AD-A272 430

DTIC
ELECTE
NOV 12 1993
S
D

NAVAL POSTGRADUATE SCHOOL
Monterey, California

THESIS

THE UNITED STATES, THE UNITED NATIONS,
AND THE LEGITIMATION OF THE USE OF FORCE

by

Kerry Spencer Gilpin

June 1993

Thesis Advisor: David S. Yost

Approved for public release; distribution is unlimited.

93-27641

93

REPORT DOCUMENTATION PAGE

1a Report Security Classification: Unclassified		1b Restrictive Markings	
2a Security Classification Authority		3 Distribution/Availability of Report	
2b Declassification/Downgrading Schedule		Approved for public release; distribution is unlimited.	
4 Performing Organization Report Number(s)		5 Monitoring Organization Report Number(s)	
6a Name of Performing Organization Naval Postgraduate School	6b Office Symbol *(if applicable)* 38	7a Name of Monitoring Organization Naval Postgraduate School	
6c Address *(city, state, and ZIP code)* Monterey CA 93943-5000		7b Address *(city, state, and ZIP code)* Monterey CA 93943-5000	
8a Name of Funding/Sponsoring Organization	6b Office Symbol *(if applicable)*	9 Procurement Instrument Identification Number	
Address *(city, state, and ZIP code)*		10 Source of Funding Numbers	
		Program Element No / Project No / Task No / Work Unit Accession No	

11 Title *(include security classification)* THE UNITED STATES, THE UNITED NATIONS, AND THE LEGITIMATION OF THE USE OF FORCE (UNCLAS)

12 Personal Author(s) Kerry S. Gilpin

13a Type of Report	13b Time Covered	14 Date of Report *(year, month, day)*	15 Page Count
Master's Thesis	From To	1993 June	133

16 Supplementary Notation The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.

17 Cosati Codes			18 Subject Terms *(continue on reverse if necessary and identify by block number)*
Field	Group	Subgroup	United States, United Nations, War, Use of Force, Sovereignty, UN Security Council, Gulf War, Somalia, former Yugoslavia, Congress.

19 Abstract *(continue on reverse if necessary and identify by block number)*

Utilizing Martin Wight's analysis of three theoretical traditions concerning international relations—Realism, Rationalism, and Revolutionism—this thesis examines the hypothesis that the U.S. executive seeks, as a precondition of domestic political debate, legitimacy from the United Nations to justify the use of force in the post-Cold War political environment. To place the analysis in a meaningful context, the first part of the thesis reviews the evolution of sovereignty and war in the Western tradition since the sixteenth century, specifically the dispersion of sovereignty from autocrats to peoples, with an attendant shift in "just" war aims. The next part examines the legitimacy of the use of force in post-Cold War conflicts within the framework of the Charter of the United Nations and international law. Finally, the thesis assesses changes in public and Congressional acceptance of various justifications for the use of force within the U.S. political process. The thesis concludes that the U.S. finds useful legitimacy in the U.N., but U.N. endorsement is *not* a political prerequisite to use force; furthermore, a U.N. mandate does not *compel* the U.S. to employ force if U.S. interests are not also thereby served. Massive U.S. military involvement in the former Yugoslavia is therefore improbable unless (or until) the U.S. perceives a more tangible threat to its own security interests.

20 Distribution/Availability of Abstract	21 Abstract Security Classification	
__ unclassified/unlimited __ same as report __ DTIC users	Unclassified	
22a Name of Responsible Individual David S. Yost	22b Telephone *(include Area Code)* (408) 656-2521 DSN 878-2521	22c Office Symbol YO

DD FORM 1473,84 MAR 83 APR edition may be used until exhausted
All other editions are obsolete

Approved for public release; distribution is unlimited.

The United States, The United Nations,
and the Legitimation of the Use of Force

by

Kerry Spencer Gilpin
Lieutenant, United States Navy
B.A., Yale University, 1985

Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS

from the

NAVAL POSTGRADUATE SCHOOL
June 1993

Author: _____
Kerry S. Gilpin

Approved by: _____
David S. Yost, Thesis Advisor

_____
Donald Abenheim, Second Reader

_____
Thomas C. Bruneau, Chairman,
Department of National Security Affairs

ABSTRACT

Utilizing Martin Wight's analysis of three theoretical traditions concerning international relations—Realism, Rationalism, and Revolutionism—this thesis examines the hypothesis that the U.S. executive seeks, as a precondition of domestic political debate, legitimacy from the United Nations to justify the use of force in the post-Cold War political environment. To place the analysis in a meaningful context, the first part of the thesis reviews the evolution of sovereignty and war in the Western tradition since the sixteenth century, specifically the dispersion of sovereignty from autocrats to peoples, with an attendant shift in "just" war aims. The next part examines the legitimacy of the use of force in post-Cold War conflicts within the framework of the Charter of the United Nations and international law. Finally, the thesis assesses changes in public and Congressional acceptance of various justifications for the use of force within the U.S. political process. The thesis concludes that the U.S. finds useful legitimacy in the U.N., but U.N. endorsement is *not* a political prerequisite to use force; furthermore, a U.N. mandate does not *compel* the U.S. to employ force if U.S. interests are not also thereby served. Massive U.S. military involvement in the former Yugoslavia is therefore improbable unless (or until) the U.S. perceives a more tangible threat to its own security interests.

DTIC QUALITY INSPECTED 4

Accession For
NTIS GRA&I
DTIC TAB
Unannounced
Justification
By
Distribution
Availability Codes
Dist
A-1

TABLE OF CONTENTS

I. INTRODUCTION 1

A. THESIS STRUCTURE 8

B. MARTIN WIGHT'S ANALYSIS OF INTERNATIONAL RELATIONS 11

II. THE DEMOCRATIZATION OF WAR 21

A. 1559-1669: THE AGE OF ARISTOCRACY 25

B. THE AGE OF LOUIS XIV 29

C. THE FRENCH REVOLUTION AND NAPOLEON 31

D. 1815-1914: THE UNEASY PEACE 35

E. WARS OF THE PEOPLE 38

F. WAR IN THE AMERICAN TRADITION 41

G. CONCLUSION 43

III. LEGITIMACY IMPARTED BY THE UNITED NATIONS 45

A. LEGITIMACY UNDER THE CHARTER AND INTERNATIONAL LAW 48

B. LEGITIMATING THE GULF WAR 53

C. LEGITIMACY OF U.N. ACTIONS IN SOMALIA 62

D. POTENTIAL LEGITIMATION IN THE BALKANS CRISIS 66

IV. LEGITIMATION IN THE AMERICAN POLITICAL SYSTEM 75

A. THE U.S. POLITICAL PROCESS 78

B. LEGITIMACY OF VARIOUS RATIONALES IN THE U.S. SYSTEM . 81

C. PROSPECTS FOR PRESIDENT CLINTON 91

V. CONCLUSION 95

A. THE EXPANDING SCOPE OF STATE POWER 95

B. NEW U.N. LEGITIMACY FOR THE USE OF FORCE 99

C. LEGITIMATION IN THE U.S. POLITICAL SYSTEM 103

D. WHAT MAKES AMERICA GO TO WAR 106

APPENDIX A: EXTRACTS FROM THE U.N. CHARTER 109

APPENDIX B: SELECTED UNSC RESOLUTIONS 111

LIST OF REFERENCES 115

BIBLIOGRAPHY 122

INITIAL DISTRIBUTION LIST 123

EXECUTIVE SUMMARY

Utilizing Martin Wight's analysis of three theoretical traditions concerning international relations—Realism, Rationalism, and Revolutionism—this thesis examines the hypothesis that the U.S. executive seeks (as a precondition of domestic political debate) legitimacy from the U.N. to justify the use of force in the post-Cold War environment. The first part of the thesis reviews the evolution of sovereignty and war in the Western tradition. The concept of sovereignty applied originally to autocrats, then eventually to governments, and finally to peoples. War and the use of force have similarly evolved from serving the needs of kings to serving those of states, and ultimately, of citizens.

The destruction and bloodshed of two world wars, based upon concepts of national identities and the subjugation or elimination of other peoples, produced world-wide revulsion against such use of force. Determined "to save succeeding generations from the scourge of war, which twice . . . has brought untold sorrow to mankind," the United Nations denied the legitimacy of any aggression, other than the use of force for self-defense or for situations requiring specific, case-by-case authorization by the U.N. Security Council (UNSC). The structure and scope of the U.N. Charter addressed the unlawful use of force by one people against another and the unacceptable ravages which such massive force produced, but the Cold War blocked the intended work of the U.N.

The end of Communism in 1989-1991 allowed the resumption of collective security efforts which the Cold War interrupted.

The next part of the thesis examines the legitimacy of the use of force in post-Cold War conflicts within the framework of the U.N. Charter and international law. The opportunity to seek and attain sovereignty under the U.N. principles of self-determination and human rights has ironically fueled the divisive tendencies now evident throughout much of the world. The U.N. must now learn to handle crises such as civil wars which do not fall into the conventional categories.

The Gulf War was not prototypical of post-Cold War conflict. It had humanitarian and international legal elements, but there were still *Realpolitik* motivations for the U.S. and most of the coalition powers. In Somalia, the *casus belli* was the suffering and deprivation of millions of Somalis. From the perspective of the United States and other UNSC Members, the absence of vital security interests in the area marks the significant distinction between Somalia and the Gulf War. With the exception of moral outrage, the political criteria needed to support the use of force in the former Yugoslavia are not satisfied at all; the result is low public support for the use of force.

Chapter IV of the thesis assesses changes in public and congressional acceptance of various justifications for the use of force. Without the old, Cold-War system of threats, some U.S. leaders are uncertain how to proceed. For many in Congress, constitutional questions about war powers were the main issue for debate when Iraq invaded its neighbor. Somalia appeared to present an opportunity to do great good without a high cost in American lives. But the former Yugoslavia seems to exemplify most accurately

the nature of post-Cold War crisis. As long as the conflict is limited to the territory of the former Yugoslavia, a *potential* threat is not sufficient to rouse a stronger U.S. (or Western) response.

In the post-Cold War period, therefore, U.S. decisions to use force would never be taken lightly but could only follow careful deliberations and the achievement of a consensus embracing a majority in Congress. The critical elements have almost always included a moral issue, a security threat, a reasonable chance of success, and public support. The first and last seem to be the only criteria which *must* be present, along with at least one of the other two.

Because the U.N. was a product of the same philosophies which furnished the basis for the Western democracies, the same criteria which lead to U.S. involvement in a crisis often also lead to UNSC involvement. There is an inherent congruence of principle between American political ideals and those of the U.N. Charter which few question, although U.S. lawmakers sometimes fear that the executive will interpret a U.N. mandate as an obligation rather than as a request or an invitation. It is incumbent upon the executive to ensure that, when a U.N. mandate includes a call for U.S. action, all the criteria which have led to UNSC consensus will also apply domestically in the United States.

I. INTRODUCTION

The purpose of this thesis is to examine the nature of the legitimation of the use of force by international organizations, specifically the United Nations, since 1989. The focus is on an apparent increasing reliance on international organizations and the moral appeal of collective multi-national action as a means by which the United States government asserts the legitimacy of a war or military intervention, as such means and appeals relate to (but might be distinguished from) simultaneously operative *Realpolitik* motives to use force in support of more traditional national interests—economic, strategic, and political.

From the end of World War II until the fall of Communism which began in 1989, the need to legitimate the use of force was almost a moot point for the U.S. Presidents from Truman to Bush had in the Soviet Union a sufficiently consistent threat to serve as a reliable justification for both building up defenses and using military force. U.S. armed forces saw action throughout the Cold War in a series of conflicts and crises fought to contain the perceived threat of world Communism. Although the manner in which some of these wars were conducted was not entirely acceptable to the American people, the underlying justification—combatting the spread of Communism—was fundamentally unquestioned by serious students of the issue. The collapse of Communism which began in 1989 with the fall of the Berlin Wall heralded the end of the Cold War and the disappearance of the hitherto constant threat. International theorists, politicians, and

military leaders who once could rely upon the perceived malevolence of Communism to justify grand defense postures and the use of force around the globe now had to identify other rationales.

It is the contention of this thesis that the fundamental principles which guided U.S. policy in the Cold War—the spread of democracy and self-determination—still apply, if on a less grand scale. The post-Cold War United Nations provides legitimacy to act on these principles, although the U.S. does not *require* endorsement from the U.N. in order to act, nor is the U.S. *compelled* to act at the U.N.'s behest if American interests are not thereby served.

But vital national security interests are not the only criterion upon which the U.S. bases its decisions to go to war. Moral outrage and concern for the welfare of peoples whose governments abuse—or through the absence of governmental legitimacy fail to serve—their needs and interests have become prominent elements within the American debate of legitimating the use of force. It is through the U.N. that the concern for and desire to help such peoples has found its most domestically and internationally acceptable and efficacious outlet.

But since the end of the Cold War, the split in the debate in the United States has widened. One side is primarily isolationist; it states that the U.S. should apply the nation's limited social, political, economic, and fiscal resources toward solving its domestic problems. The argument includes explicit demands that allies assume an increased responsibility for their own security needs. Without the overwhelming Soviet military superiority confronting North Atlantic Treaty Organization (NATO) allies across

the inter-German border, the argument goes, wealthy European states can afford to protect themselves from whatever dangers still exist (thus far unidentified, other than the dangers of "uncertainty"). [Ref. 1:pp. H4073-6]

The other side of the debate is more globally-minded. It asserts the argument that the interests of the U.S. are bound up inextricably with those of its allies. Any pursuit which makes Europe, for example, more secure, implicitly makes the U.S. more secure as well. American troops stationed in Europe are there primarily for U.S. security interests; U.S. allies benefit from the arrangement indirectly because their interests and those of the United States coincide in many respects. If U.S. troops are used, therefore, to intervene in a crisis which threatens Europe, one goal of such a use of force is that European allies be made more secure and stable. If the U.S. perceives its own interests to be affected by European security problems, the use of U.S. force is legitimated as serving the interests of the United States as well.

The relationship is strengthened when other states support U.S. actions. NATO allies *do* contribute to the collective defense effort, albeit not precisely proportionally (in terms of percentages of their GDPs spent on defense, for example). Common defense and security interests are made graphically clear when troops and assets from many states combine to present a unified front against a threat. But the use of NATO to legitimate the use of U.S. armed forces outside the NATO area is unfeasible, because NATO is primarily a collective defense arrangement. No provision is made for interventionist action, e.g., out-of-area peace enforcement operations like Operation Desert Storm or humanitarian

actions such as those underway in the former Yugoslavia on other than an ad hoc, case-by-case basis (presumably at the request of another organization or body).

The United Nations provides a broader forum for concerted action. In the preamble to the U.N. Charter Members proclaimed that, in order to

> unite [their] strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest . . . , [they] have resolved to combine [their] efforts to accomplish these aims. [Ref. 2:pp. 1-2]

Article I is more specific:

> The Purposes of the United Nations are:
>
> 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression . . . . [Ref. 2:Art. 1(1)]

The U.N. Charter confers upon the U.N. Security Council the "primary responsibility for the maintenance of international peace and security, [Members agreeing] that in carrying out its duties under this responsibility the Security Council acts on their behalf." [Ref. 2: Art. 24(1)] Chapter VII of the Charter describes conditions under which Members of the U.N., on authority of the Security Council, might "take such action . . . as may be necessary to maintain or restore international peace and security" [Ref. 2:Art. 42]. This mandate is more comprehensive than that of NATO.

Few such actions were undertaken during the Cold War. The majority of internal or regional conflicts were not in North America, the U.S.S.R., or Europe. Most were in Africa, Latin America, and Asia—predominantly colonies or former colonies of European powers. The very nature of the Cold War proscribed U.N. involvement in states which fell directly within the sphere of influence of either the U.S.S.R. or the U.S.; a veto from

any of the five permanent Members of the Security Council* effectively prevented U.N. intervention under the Charter's rules. Neither side wanted the other to use the U.N. to interfere or intervene in its sphere. The U.N. was not powerful enough in its own right to impose its will in issues or in areas where its most powerful Members disagreed. These parochial interests began to evaporate as the events of 1989 unfolded; the Cold War fetters on the U.N.'s effective execution of its over-forty-year-old obligations were removed virtually overnight.

The end of the superpower rivalry between the United States and the Soviet Union, combined with violent disorder evident in many states throughout the world (to some degree a result of the Cold War), has produced what Stephen Stedman calls a "new interventionism." It is a combination of a view of civil wars as a legitimate international security issue, a perceived opportunity to advance the ideals of liberal internationalism, perceived moral obligations of the international community in the "new world order," and increased support for the rejuvenated U.N. to intervene where possible. [Ref. 3:pp. 1-2]

The new spirit of interventionism seeks to interpret the provisions of the U.N. Charter (specifically Chapters VI and VII) not only in traditional terms of relations between sovereign states, but also in terms of the relationship between a state and its inhabitants. With the Cold-War ideological constraints gone, the concept of *monitoring* human rights (a long-standing concern of the U.N.) has developed into the concept of *enforcing* human rights, e.g., ending civil wars, stopping governments from abusing their

*The United States, the Soviet Union (now Russia), China, the United Kingdom, and France.

peoples, and establishing guidelines for dealing with any régime which fails "to meet the broadly and often ill-defined 'humanitarian needs' of its people." By extension, this implies that sovereignty (or international legal personality) no longer rests exclusively with the state, but rather it resides also with the people; self-determination no longer applies only to a state, but also to the individual. [Ref. 3:pp. 3-4]

Emphasis on the distinctions between the sometimes contradictory interests of a state, its people, and individuals seems to represent a real change from historical intervention operations of the U.N. and the United States; but the transition is not without obstacles. James Schlesinger notes that the traditionally casual, almost accidental manner of involvement—the "yellow journalism" which led to the Spanish American War of 1898, "nation-building" in Laos and Vietnam in 1963 and Lebanon in 1982—has given an impression that the U.S. is not very good at such operations. According to Schlesinger, if an oppressive régime merely shows enough patience, it can out-wait the U.S.; it knows the U.S. will leave or lose interest before long (the oppressed know it, too), and it will adjust its behavior accordingly. [Ref. 4:pp. 26-7] In some instances, events seem to bear out such an assessment. For all the effort in Iraq in 1990-1991, Saddam Hussein is still in power and still persecuting the Shi'ite Muslims and Kurds. Recent events in Somalia epitomize the syndrome; after most of the U.S. forces left the area, factional violence resumed, involving even U.N. peacekeeping forces [Ref. 5:p. A4].

Nor is the new concern with peoples' and individuals' rights always the primary issue. The prime motivator for the U.S. and the rest of the coalition in the war against Iraq was the restoration of international order. Human rights abuses within Iraq by

Saddam's régime did not become a *casus belli* until he had already crossed the Kuwaiti border. UNSC Resolution 688, calling for the protection of the Kurds, predated Operation Desert Storm but was not enforced until the destruction of the world's fourth largest army was well underway. The outrage which precipitated the "most successful U.N. peace-enforcement mission ever" was not initially the treatment of minorities by their sovereign government, but rather the invasion of another U.N. Member. [Ref. 3:pp. 6-7] But the U.S. and U.N. success in Iraq raised expectations for intervention elsewhere; legitimating action in the Gulf by citing humanitarian interests resulted in projections of similar success in other crises.

Europeans have called upon the U.S. to act in Bosnia-Herzegovina not because of its unique military capability but because it is convenient for other states to have the U.S. intervene. The danger for the United States in responding to every such appeal is the ultimate victory of the first side of the debate in the U.S.—that of isolationism. The American public will tire of such roles and might not be willing to act if a real need for unique U.S. capabilities does arise; hence the need for selectivity. [Ref. 4:p. 27] This, however, begs the question: who defines a "real need" for the U.S.? Is it the President, the Congress, or the public directly? Or are the interests of the United States now defined on a supranational level? If, as Stedman speculates, the new spirit of interventionism has led the international community "to accept the proposition that interests of people come before the interests of states" [Ref. 3:p. 16], that would imply that decisions to intervene are not made only by governments immediately involved, but also by the collective will of all governments. Such a situation would represent a shift in sovereignty as great in

magnitude and significance as that embodied in the French and American Revolutions, continuing the dispersion of sovereignty from the few to the many, and now to all as represented, for instance, in the United Nations.

A. THESIS STRUCTURE

This thesis will use the analysis of international relations theories by Martin Wight to provide a useful conceptual framework for distinguishing between different views of national interests, international society, and war. Wight examines these concepts by contrasting the three main traditions of thinking about international politics in the post-Renaissance history of Western civilization: Realist, Rationalist, and Revolutionist. The three traditions are more fully outlined below.

Chapter II of the thesis examines the trends in thinking about sovereignty and war in Western civilization from the sixteenth century to 1989. Answering the question "Who rules?" is essential when defining a political system, ancient or modern. At issue is the concept of sovereignty, which includes the right to declare war and to expect that subjects or citizens will comply with, even if they do not endorse, that declaration. Discovering "Who makes war?" can help to identify "Who rules?" Indeed, the latter question cannot be answered completely without answering the former.

Over time the authority to wage war in European countries has devolved, broadly speaking, from noblemen and absolute monarchs, to monarchs who were considered "the first servants of state," to despots or demagogues, and finally to the people as represented in democratic parliaments. (As Wight points out, the most prominent exceptions to the principle of dynastic legitimacy in Europe in the period from the Middle Ages to the late

eighteenth century were Venice, the Swiss Confederation, and the United Provinces of the Low Countries [Ref. 6:p. 154].) In America, sovereignty proceeded directly from the British king to a representative government. After the first 90-plus years of its existence, while it struggled to resolve the dichotomy between freedom and liberty* for its own citizens (and simultaneously to survive and grow as a nation), the United States emerged from its isolationism to extend the benefits of the democratic system to the nations of the "Old World." After reluctantly entering into two world wars, the U.S. saw its ideals embodied in the formation of the United Nations. But before long the Cold War quashed the hope which began in San Francisco in June 1945; with the collapse of Communism in 1989-1991 that hope was renewed. No longer constrained by fears of "zero-sum" gains and losses, the U.S. (and Russia) can use and support the U.N. as was intended over forty years earlier: "to save succeeding generations from the scourge of war." [Ref. 2:p. 1] Within the context of this thesis, this means that war would no longer be legitimately employed in the old European paradigm of aggression and aggrandizement, but would only be used to *resist* such aggression should it occur.

Chapter III of the thesis examines some of the most prominent uses of force since 1989, with particular attention to the legitimacy of those operations within the context of the U.N. and international law. The Gulf War of 1990-1991 provides material for the most extensive analysis, since the war itself occurred more than two years ago, and the legal questions raised during the decision-making process which led to the war can be

*The Framers' debates, the *Federalist* essays, and the Civil War centered around the conflict between the freedom of an individual to act as he or she pleases and the infringement upon the liberties of others that such freedom might involve.

examined in some depth. The Gulf War is unique in post-Cold War conflict, because it involved all three of Wight's paradigms: Realist, Rationalist, and Revolutionist.

The U.S. deployment to Somalia in December 1992 offers different insights, since in Somalia there was no external aggression nor any compelling U.S. national security concerns, in contrast with the case of Iraq. Somalia, more than any other use of force before or since, manifests a complete dependence upon the idealism and moralism of Wight's Revolutionist paradigm, to the near-complete exclusion of the Realist and Rationalist, in the legitimation of that operation.

After examining the manner in which the U.N. (and the U.S.) legitimated the use of force in the Persian Gulf and in Somalia, the thesis attempts to use insights gained thereby to advance understanding of the situation in the former Yugoslavia. Here, as in Iraq and Somalia, there are obviously great wrongs being committed, but that is where the similarities seem to end. The Gulf War raised clear security concerns for the U.S., the region, and the world; Somalia, despite the lack of compelling security interests for the U.S., nonetheless presented an opportunity to do great good with a chance of relatively easy success. Neither criterion seems to obtain in Bosnia-Herzegovina. [Ref. 7:pp. 33-5] U.N. (and U.S.) inaction, therefore, is understandable, though hardly laudable. Risking even greater international disillusionment and loss of credibility by entering into the conflict would compromise future U.N. capability to take action in crises which might actually be solvable.

Chapter IV of the thesis examines how different legitimations for the use of force have gained or lost acceptance in the U.S. political process. The ability to decide to go

to war rests with both the executive and legislative branches of government, though each perceives this division of war powers in a distinct fashion. The U.N. introduced a new element into the debate, but that element was not really explored during the Cold War. Beginning with the Gulf War, both the President and Congress have been forced to reexamine the relationship.

B. MARTIN WIGHT'S ANALYSIS OF INTERNATIONAL RELATIONS

In *International Theory: The Three Traditions*, Martin Wight surveys the thinking of the most illustrious and articulate thinkers about international relations since Machiavelli, places them into three groups, and their ideas into three traditions. He calls them Rationalists, Realists, and Revolutionists (noting that "these names do not sacrifice accuracy in any degree to the charms of alliteration"), and relates them to three political conditions discussed in international relations: international anarchy, diplomacy and commerce, and a society of states or family of nations. [Ref. 8:p. 7]

Wight describes Revolutionists (whose roots go back to the *Respublica Christiana*—the society of states of considerable ecclesiastical and political unity in the medieval Catholic Church of A.D. 700-1200) as those who

> believe so passionately in the moral unity of the society of states or international society, that they identify themselves with it, and therefore they both claim to speak in the name of this unity, and experience an overriding obligation to give effect to it, as the first aim of their international policies. For them, the whole of international society transcends its parts; they are cosmopolitan rather than 'internationalist', and their international theory and policy has 'a missionary character'. [Ref. 8:p. 8]

He lists three outstanding examples of these international Revolutionists: the religious Revolutionists of the sixteenth and seventeenth centuries; the French Revolutionists,

especially the Jacobins; and the totalitarian Revolutionists of the twentieth century. These illustrate the continuities which Wight seeks. The groups in the examples do not advance the same specific causes, nor do they share common goals; their similarity is in the "missionary character" of their attitude to international society which reappears time and again in international history. Calvin, Rousseau, Hitler, and Stalin could appear in one sentence with no other connection than that which Wight makes in identifying each as a Revolutionist. Their tradition acknowledges only a loose continuity with its past, as contrasted with the Realists and Rationalists. Revolutionism is a series of waves, rather than a stream. [Ref. 8:pp. 8-12]

Rationalists descend from the Greeks, via Aquinas (compared against Augustine), Grotius, Descartes, Spinoza, Leibniz, the empiricists Locke, Berkeley and Hume, and the Mills, father and son. The theme that runs through rationalism (knowledge through reason) and empiricism (knowledge through observation) is that man is a rational creature, and not merely sentient. Wight quotes an empiricist, Locke, to justify his use of the word "Rationalist" to describe this tradition:

> Men living together according to reason without a common superior on earth, with authority to judge between them, is properly the state of Nature. [Ref. 9:p. 126]

Men are reasonable, says Locke, and can live together without common government according to reason—as is the case in international relations.

In international law, the Grotian school best exemplifies the Rationalist tradition, combining the Naturalist and Positivist schools. The Grotians believe in a cosmic, moral constitution, a system of eternal and immutable principles from a transcendent source (God or nature); they also believe that mankind has some inherent correspondence with

the natural law, a response to it as a result of possessing a rational faculty. Reason is the capacity to know this law; reason is a reflection of the divine light in us: *Ratio est radius divini luminis*. For Wight, Rationalism is the "broad middle road of European thinking." On this road one might see, *inter alia*, Aquinas, Grotius, Washington, Madison, Hamilton (on the side of the road toward the "swamp" of Realism), Jefferson, Tocqueville, Lincoln, Gladstone, and even a glimpse of Wilson. [Ref. 8:pp. 13-5]

The Realists are those who emphasize the element of anarchy, of power politics, and of warfare in international relations. Modern Realist doctrine is that conflict is inherent in relations between states, deducing from what has transpired rather than prescribing generally what ought to be. It is Hobbes' "solitary, poor, nasty, brutish, and short" life of man; it is E.H. Carr's "mutually incompatible elements of utopia and reality, or morality and power." [Ref. 8:pp. 15-6] Wight credits Machiavelli as

> the first man (since the Greeks) to look at politics without ethical presuppositions. . . . He made a conscious break away from the theologico-ethical Rationalism dominant in the Middle Ages, and equally from the latent Revolutionism (or its antecedents) which ran back to the origins of Christianity. [Ref. 8:pp. 16-7]

Hobbes is Machiavelli's only peer in the Realist tradition; E.H. Carr, Hans Morgenthau, and George F. Kennan are among its recent proponents. There are three main "scientific" presuppositions which have determined the Realist tradition: the mechanistic (e.g., Raphael's equilibrium and Tolstoy's *War and Peace*); the biological (Darwin's theories applied to nations' and races' "struggle for existence"); and the psychological (as in Hobbes' *Leviathan*). The Realist asks "What is?" and ignores "What is the essence of the matter?" and "What ought to be?" Realism is descriptive, not teleological (as is Rationalism) nor prescriptive (Revolutionism). [Ref. 8:pp. 18-24]

The three traditions provide a framework within which this thesis might better analyze the continuities and discontinuities in the legitimation of the use of force in modern history through to the present. Such analysis, however, requires a closer view of Wight's theories as they apply to national interests, international society, and war.

1. Realist Theory

The Realist view of national interests allows no room for "international society;" states exist in a state of nature, Hobbes' *bellum omnium contra omnes*—the war of all against all. International relations is merely a condition of the conflict of the primarily material interests of states. The national interests of one state are most likely in conflict and competition with those of all other states. The most fundamental national interest is to maintain freedom of action; all others derive from that. [Ref. 8:pp. 111-2] National interests, therefore, are the only sensible criteria when considering the use of force. Wight sums up the Realist view of the international right to intervene in other states' affairs with a quote from Talleyrand which combines the views of Machiavelli, Carr, and Morgenthau: "Non-intervention is a political and metaphysical term meaning the same thing as intervention." [Ref. 10:p. 106] The decision to intervene or not to intervene is entirely at the discretion of the intervening state, and can only be made with regard to that state's own interests in the outcome.

The international community, according to Realists, is a small group with great variation among its members, and therefore any pretense of legal equality between sovereign states is a farce. Wight illustrates the Realist conception of the international community by a *reductio ad absurdum* parable: imagine an island the size of Malta

containing only a twenty-foot, man-eating ogre, an Englishman, a Samurai warrior, and an African pygmy. There is no equality, not even any comprehension of the others' interests. No general rules could justly apply to all; this is one of the reasons for the weakness of international law. [Ref. 8:p. 139]

Because Realists accept international anarchy, they are fascinated by war. Man is an irrational, fighting animal; war is a natural and inevitable part of human nature. The Realist extreme is militarism. Bacon likens war to exercise; war is to a state as exercise is to a body: invigorating and necessary for good health. Hegel also uses the organic hygiene metaphor:

> by war, 'the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions'; just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm, so also corruption in nations would be the product of prolonged, let alone 'perpetual', peace. [Ref. 11: p. 209]

Continuing with the biological model, Realists see war in terms of international Darwinism, wherein the strongest nations always prevail over the weaker. The strongest survive through natural selection, therefore the weaker states must die. Adolph Hitler identified a fundamental Realist truth in *Mein Kampf*, that all nations must participate in this struggle—as did even the Western powers which, having attained their power through struggle, sat in judgement after 1919, not allowing Germany to do the same. War is natural between neighbors; Alexander Hamilton, whom Wight labels as the most civilized of the Realists, wrote in *The Federalist* No. 6 that vicinity makes natural enemies of nations unless their weakness forces them into confederation. [Ref. 8:pp. 208-12]

2. Rationalist Theory

National interest for Rationalists is an "enlightened selfishness;" it is far-sighted and understanding and seeks not to violate, but rather to *consider* others' interests, acknowledging their rights to pursue them. Without ever being able to discern precisely another state's conception of its interests, one can know enough to respect them so as to accommodate others as much as possible (without compromising one's own interests). [Ref. 8:pp. 120-1] The Rationalist tries to *contract* (rather than expand, as would the Realist) the scope of interests deemed "vital," i.e., interests which produce unsolvable, unnegotiable crises, and which are therefore seen as worth fighting to preserve [Ref. 8: p. 126].

Rationalist international society is cooperative and accommodating. The Concert of Europe, its "sequel, or epilogue, . . . the League of the 1920s", and NATO are Rationalist arrangements. They acknowledged that nations each have their own rights, "but Europe has also her rights; it is social order that has given them to her." [Ref. 12: p. 391] In a late Rationalist development, small powers came to be viewed as more responsible than great powers, who, after all, sabotaged the League of Nations. [Ref. 8: p. 130] The right to intervene is permissible only if other states abuse the principle of self-determination, thereby threatening others. Accommodation, so far as possible, is paramount. Rationalists presume in favor of the existing international order. Non-intervention is construed within the context of diplomacy; a *state* should not intervene in the affairs of another *state* (for Revolutionists, the question is cast in terms of *peoples*). [Ref. 8:pp. 132, 134-5] Rationalist "international society" combines the Realist concepts

of fewness and inequality of states, and the Revolutionist view that states merely exist as arbitrary groups within a larger context; *diplomacy* exists in order to deal with other groups. Diplomacy and other inter-group institutions such as marriage and property indicate the presence and reality of an international society. [Ref. 8:pp. 140-1]

War for Rationalists revolves around two tenets: that the object of war is peace, peace being prior to war and war the exception; and that war is a necessary evil, because it is the only means of justice when there is no political superior. Despite war's frequent barbarity in Europe, Grotius thought the pacifists' conclusion that arms should be forbidden throughout Christendom went too far. He simultaneously countered Realists by arguing that war ought to be mitigated and limited, and that such was possible. [Ref. 8:pp. 206-7] Rationalists considered it essential that a war be just. and that it not cause more evil or destruction than would the harm which it assays to prevent. Grotius' work was an attempt to recast the medieval ecclesiastic concept of a "just war" in legal terms; the result was international law and the concept of unjust wars "committed" by "outlaw states." Another result was the Western obsession with the notion of justifying war, since "it is something so horrible that only sheer necessity or perfect charity can make it lawful." [Ref. 13:p. 219] Wight says Clausewitz was every bit a Rationalist when he wrote that the purpose of war is to persuade the enemy to accept one's will, to convert him; the notion is incompatible with utterly vanquishing a foe to achieve a simple military victory—severity must be limited, lest war become unjust. [kef. 8:p. 219]

3. Revolutionist Theory

For Revolutionists, national interests are the opposite of those of the Realists: a nation's interests are a subset of *inter*national interests. The interests of a *civitas maxima*, definable and attainable, override any supposed parochial national interests; the greater contains the lesser. Revolutionism's naive leap approaches a "philosophy of history," epitomized in Kant's *Perpetual Peace*:

> The process of creation by which such a brood of corrupt beings [as men] has been put upon earth, can . . . be justified by no theory of Providence, if we assume that it never will be better, nor can be better, with the human race . . . We shall inevitably be driven to a position of despair . . . if we do not admit that the pure principle of right and justice have objective reality and can be realized in fact. [Ref. 14:p. 136]

In modern times the Revolutionist concept of placing international interests above parochialism has become a tendency "to tell other states their business, and pose as their protectors"; Wight identifies this as a prominent feature of Nazi diplomacy, and quotes Ribbentrop as saying that Germany invaded Yugoslavia on 6 April 1941 to "secure a position for Yugoslavia in this new European order, in accordance with Yugoslavia's best interests." [Ref. 8:p. 117]

In the Revolutionist paradigm, the right to intervene depends upon the political arrangements in the object and subject states. A *people* conforms its own affairs to the doctrinal norm; no established state or government possesses rights: all may be overturned when challenged from within by a people. No heretical state has the right to prevent the establishment of the doctrinal norm in other states. Furthermore, any state embodying the doctrinal norm has the duty of hostility toward other states which do not embody it; no accommodation is possible. [Ref. 8:p. 133]

The Revolutionist (Kantian) international society, therefore, is comprised of groups of people, not merely of "states." States are a subset of international society, not discreet actors therein. [Ref. 8:p. 140] Revolutionist non-intervention differs from Rationalist non-intervention regarding ends and means and in what it presumes and prescribes. Rationalists favor existing international society and each state's right to regulate its own affairs freely, unless its actions thereby threaten neighboring states. Revolutionists presume against existing society; international order must reflect the right or duty of every people to conform their own affairs to the doctrinal norm, and no state may obstruct the process. "Non-intervention" applies to states, but a people may be obliged to act in support of another people. [Ref. 8:p. 134]

Like the Rationalists, Revolutionists hold that war is a necessary evil, and that it is not self-justifying. The difference is in scope. For Rationalists, wars are considered individually, as in a campaign to counter an aggression or to aid an ally: for Revolutionists, war is a series of conflicts which, consciously or unconsciously, strives toward an ultimate future peace. Peace is not a restoration of the status quo, nor the maintenance of a balance of power; rather, it is the "reconstitution of international society, . . . a revolutionary new state of affairs" in which the goal is the "good life" for ordinary people—yet the emphasis is not on the individual, but on the movement of society. War is not merely the Rationalist's means to peace and a necessary evil but, for the Revolutionist, an instrument of history. [Ref. 8:pp. 212-3] War was the scourge of God for the proto-Revolutionist medieval Christians and for the American Abolitionists ("Mine eyes have seen the glory of the coming of the Lord . . ."). Later, Marx said force [war] was

the "midwife of every old society pregnant with a new one," spurring a violent Bolshevik struggle of revolution. In World War I, the Allied slogan "The war to end war" epitomized the Revolutionist view of war as a "vehicle of an historical apocalypse." [Ref. 8:pp. 213-4]

It should be clear that few governments or individual leaders embody only one of the traditions in their interactions with others. Most display characteristics of all three in varying proportion. Are Fascists, for instance, Realists or Counter-Revolutionists? "At this point in the political spectrum," Wight writes, "the infra-red merges into ultra violet." [Ref. 8:p. 216] Has the United States outgrown the Realism of the period prior to World War I? And now, since 1989, how does the U.S. balance Rationalist international law priorities with Realist concerns for power and Revolutionist goals of self-determination and the spread of democracy?

II. THE DEMOCRATIZATION OF WAR

> A people actually feels its full strength as a people only in war, in the comparative contest with other peoples, because it only exists at that time.
>
> Jacob Burckhardt, c. 1880 [Ref. 15:pp. 216-7]

> Above all, we ought never to forget that nowadays no war can be declared unless a whole people is convinced that such a war is necessary and just . . . . History shows us that every great war is followed by a period of liberalism, since a people demands compensation for the sacrifices and effort war has entailed. But any war which ends in a defeat obliges the dynasty that declared it to make concessions which before would have seemed unheard of.
>
> Bernard von Bülow, 1908 [Ref. 16:p. 271]

An understanding of the process by which power and war have become the concern of Everyman is appropriate for any who wish to understand the politics of one's own time. This chapter examines, in each major era, several questions which may lead toward such an understanding. Who had power? How was power kept and used? To whom did the military owe allegiance? How did that allegiance and the type of army of the day determine what types of war were fought, and why? An analysis of the specific course of each war is outside the scope of this project; the primary concern here is with the basis for war's legitimacy from the point of view of those who waged it.

The development of the concept of war as a continuation of politics by other means has taken a course probably unforeseen by Clausewitz, its greatest proponent. What was once the "sport of kings" has—along with many other aspects of monarchism—become the "divine" right of the people. The seemingly ineluctable progression of this historical process has induced some to consider it "fate" or "destiny." The transfer of political

power from the hands of the few to the hands of the many was not merely a change in "who rules" but also in "who wages war." As the process developed, the magnitude of war increased just as did its consequences—but the willingness or ability to accept responsibility for those consequences seems not to have grown commensurately (viz. von Bülow's passage above).

Each period of war from the sixteenth century to the twentieth reflects a stage of political development in which states fought wars for particular ends, with specific means, and with particular consequences. [Ref. 17:p. 2] The implication is that the basis for the legitimacy of wars changes as political development proceeds. Ends change, means change; the "democratization" of politics democratizes all aspects of politics, including war and its consequences.

To view the process in its entirety one must begin with the series of aristocratic conflicts of the late sixteenth and early seventeenth centuries. These represent the Realist theory of war as human nature—not only inevitable but also good—and that it "brings out the finest side of human nature." [Ref. 8:p. 208] From the Realist point of view, where conflict does *not* occur between neighbors, it is because each believes cooperation is in its own interest—it makes each stronger vis-à-vis other powers. In the century 1559-1659 these were the concerns of the aristocracy of Europe. There were no real class struggles as were later to trouble the continent. Rather, the conflicts of the era were limited to power struggles between various factions of the nobility. [Ref. 17:p. 11] War therefore needed to be legitimized or rationalized only insofar as the aristocracy decided to use such means to further their Realist, or Machiavellian, interests.

These expensive, internecine wars led to the centralization of monarchic power (as exemplified by Louis XIV) in the second half of the seventeenth century. Wars of this era were just as Realist as those which preceded, but monarchs could now concentrate on improving their position relative to other monarchs, as opposed to securing relative tranquility at home. The Enlightenment added to the monarchs' sense of *raison d'état*; the idea that the state was somehow obliged to provide for the welfare of its subjects through which they might then obtain happiness. Thus emerged the Rationalist theory's two tenets of war: that the object of war is peace (because peace is more conducive to happiness than war—one might decide to fight for a more suitable peace); and that war is a necessary evil, to be minimized as far as possible. "[War] is necessary, because it is the only means of justice when there is no political superior." [Ref. 8:pp. 206-7]

So powerful was this argument that during the Enlightenment many saw in the state the "transcendental values that had previously been claimed by the church, and its representatives therefore claim prerogatives and exemptions at least as sweeping as those who formerly claimed to speak to heaven." [Ref. 17:p. 269] Burckhardt here discerns the danger of Revolutionism, warning that wars of religion are the most appalling. With nationalist overtones especially, means become unlimited, morality is suspended for "higher purpose," and negotiations or mediation become abhorrent—"people want all or nothing." [Ref. 15:p. 88] One would hardly be surprised, then, by a French Revolution.

The dual convulsions of the French Revolution and the Napoleonic Wars produced a return to Realist theory in war, albeit in milder form. The Concert of Europe was similar to the age of Louis XIV in that it was dominated by a small, homogeneous group

of élites whose interests were virtually identical—even mutual. The difference was that in 1815 the small group of like-minded men was united against a common threat spreading across Europe; the nationalism and liberalism which began in France and which Napoleon's armies bore wherever they went. But the seeds planted earlier inexorably came to fruition through the next 100 years.

The relative peace of the early nineteenth century eroded as new leaders replaced those who had set up the Concert. Napoleon III perceived the Balance of Power as detrimental to the interests of France; his efforts to extend France's (and thereby, his own) influence abroad led eventually to the Crimean War and the shattering of the Concert [Ref. 18:p. 205]. Nationalism continued to grow as a force in international politics as first Italy and then Germany coalesced into relatively modern nation-states. Bismarck's intricate system of treaties and alliances served to keep growing nationalist antagonism from getting out of control, but after he left politics in 1890 the increasingly rigid and bipolar Balance of Power* created more tension than it alleviated. [Ref. 19:pp. 42-4]

The situation not surprisingly erupted into the first war of global proportion in 1914; the twin concepts of nationalism and imperialism combined to produce war of an altogether new magnitude. Only hinted at (by comparison) during the French Revolution, World War I was a war of, for, and by the people—nearly *all* people of the modern world of the time.

---

*Germany, Austria-Hungary, and Italy on one side; France, Russia, and Great Britain on the other.

The Revolutionary Theory of war is similar to the Rationalist in that war is not self-justifying. But where Rationalists see war as specifically goal-oriented, Revolutionists hold a longer-term view, believing that war should lead toward an ultimate future peace. Social development, not individual improvement, is the crux (the distinction between the *good life* and a good *standard of living*). War is thus the agent of history. The idea of a "war to end war" is an extreme of the Revolutionist theory—a war to change the world. [Ref. 8:pp. 221-4] When revolution made its vilest mutation in the 1930s, adding to nationalism and imperialism the xenophobic sentiments of a nation that believed itself to have been "stabbed in the back," the war which followed was the most extreme the world has yet seen.

War imposed new, unique demands on the whole of society in the early twentieth century. Rulers, on behalf of the ruled, "demanded extraordinary rewards [from the loser] for unprecedented national sacrifices." This meant total defeat of the enemy or the rearrangement of Europe to make further war impossible; both goals proved unattainable [Ref. 17:pp. 280-1]. Clausewitz illustrated the link between politics and war more succinctly than any before or since, but he could not have projected the changes in politics which occurred after his lifetime. As democratization developed throughout much of the modern world, with it grew the magnitude, dominance, obligations, and popular expectations of the state.

A. 1559-1669: THE AGE OF ARISTOCRACY

The European nobility's preoccupation in this century was the affairs of state; in this they did not recognize any real distinction between the public welfare and their own. A

system of clientage and patronage (which had its antecedent in pure feudalism) formed the basis of early modern politics. War during this period usually occurred as a result of the rise or fall of aristocratic families in their power relations with other factions.

The system was international primarily because of intermarriage between the various noble families. Furthermore, monarchs would retain as clients magnates who where actually subjects of other monarchs; the game benefitted both parties. These often complex transnational arrangements were complicated by the religious divisions between Catholicism and the Protestant Reformation (and the Catholic Counter-Reformation). Religion was a fervent force during this era; it made factional conflicts more bitter and compromise more difficult. [Ref. 17:pp. 8-13]

Under such volatile conditions, it is easy to understand why monarchs had difficulty in playing their roles. Whenever they tried to assert their "rights" as king or queen—for instance, by simply claiming new levels of religious or political power—the result was usually more chaos. Monarchs were forced to play the same client-patron game the rest of the aristocracy used, but on a grander scale—the princes had but one monarch whereas the monarch had many ambitious princes to control. Centralized power was a monarch's *aim* but was rarely realized; financial resources sufficient for great royal militaries and an independent, centralized, and loyal bureaucracy simply did not exist. [Ref. 17:pp. 14-5] The aristocracy ran local government independently of the monarch—no central government could maintain order with its own officials only. It needed the cooperation of the aristocracy and acquiescence of the population. Despite all this, monarchs did try to impose their rule, political authority, and religious uniformity over their subjects—after

all, their subjects' power did depend upon status and position at court. But monarchs did not have the financial means to sustain their will in politics or in religion. Most of them repeatedly went bankrupt financing wars and rewarding clients, using monies (often from colonies) not yet realized. [Ref. 17:pp. 18-20] Despite the costliness of war, monarchs continued to fight as long as they were able. War's legitimacy was never questioned; a monarch had only to answer to him- or herself. A courageous or intimate counselor might advise against such endeavors; but if a monarch perceived vital interests to be at stake, there was but one available course of action—war.

One reason for war's costliness during this period was the nature and structure of the armies of the day. These were actually companies (in the business sense) with the specific purpose of serving the interests of their aristocratic officers. For these noblemen war served as one of the readiest outlets for ambition. International conflict of this era—its nature, function, and consequences—reflected "the goals of the nobles who raised and led the armies of the time." Armies were comprised of nobles and commoners of any nationality, all eager to sign up. The officers in command then provided their armies for hire at a given time and place to fight whichever battle was at hand. The princes who hired the troops were liable for pay, and the most successful officers (such as Wallenstein) amassed huge claims which monarchs often could pay off only by land grants or future payments. Thus, while many monarchs insisted on viewing war as a source of fortune, it nevertheless impoverished them—to the benefit of their princely subjects. [Ref. 17:pp. 21-2] The state of technology and the principles of combat of the time also exacerbated war's costliness to monarchs. Decisive victory was nearly impossible. Early

modern armies were cumbersome; furthermore, fortifications were superior to artillery for a while, necessitating long, costly sieges. [Ref. 17:pp. 22-3]

The combination of the strength of the aristocracy as an institution, the real weakness of territorial princes, and the autonomy of noble-dominated armies led to almost continual internal and international conflict from 1559 to 1659. The persistence of conflict did not, as some authors have stated, represent a "crisis" or even a "series of crises"; rather it was a natural consequence of the key social, political, economic, and religious aspects of European society. [Ref. 17:pp. 23-4] Decision-making about war during this period subscribed to Realist theory in that war was not intended to yield a better peace, let alone change society for the betterment of man. The purpose of war was to improve the position of the nobles who fought (or hired others to fight); the only legitimacy required came from the aristocrats themselves (who saw no distinction between their welfare and that of the state). The armies were answerable only to their officers, and the officers' *raison d'être* was to use their armies for personal gain. The system met the needs of all its participants, except that it almost invariably cost the monarchs much more than they ever foresaw.

As the first step in the analysis of the dispersion of sovereignty from the few to the many, this era illustrates how war was, then as now, a political tool of the élites. The distinguishing element is the small number of élites who exercised power, and the dynastic, familial relations between them, which created the perceived need to use war as a means of achieving political aims.

B. THE AGE OF LOUIS XIV

Richelieu prepared the ground for the centralization of power which occurred in France during the reign of Louis XIV. He put the authority of the French state on a new basis, vastly increasing the strength which Louis would inherit. Other monarchs eventually were able to follow suit and emerged as (relatively) unquestioned heads of state. The result was an early form of balance of power; monarchs whose domestic position was fairly secure could turn their attention toward their peers—other heads of state. The centrality of the ideas of *raison d'état* and state-building which Richelieu incubated thus brought Europe a step closer to modernity. [Ref. 17:p. 65] The increased power of the state caused Burckhardt no small consternation:

> [Machtstaat] was reinforced by the French bias toward uniformity, docility to tutelage and predilection for an alliance with the church. That more Mongolian than occidental monstrosity which bore the name of Louis XIV would certainly have been excommunicated in the Middle Ages, but in his own time it was possible for him to set himself up as the sole possessor of rights and the sole proprietor of bodies and souls. [Ref. 15:p. 135]

In the period 1659-1713 control of international politics was centralized in the hands of the European monarchies. The state-strengthening which earlier monarchs sought but could not achieve finally came about; Louis and his contemporaries solved the problems of allegiance and revenue to a much greater extent than could their forefathers. A standing royal army allowed monarchs to assert their new rights. Lavish courts (e.g., Versailles) kept the most powerful—hence, threatening—men within arm's reach. Finally, the general increase in commerce (mercantilism—participation in international economics and politics, facilitated by a standing army) drastically increased available resources. [Ref. 17:p. 139]

Wars therefore could now center around two state-building objectives: to extend the dynastic rights of princes, and to increase their inheritances. These Realist pursuits were tempered by the monarchs' newly developed ability to control their wars and to limit their aims and goals—in short, to keep war well-defined territorially and temporally. Siege warfare prevailed as before but with a difference; monarchs engaged in continuous diplomacy throughout, providing for relatively easy compromise. [Ref. 17:p. 140] Without the sort of ultimatum mentality of the earlier era, wars were not so devastating either to monarchs' finances or to the population in general. Wars became a balancing act between rulers, not involving rapacious devastation as before but, in the words of Frederick the Great, "the peasant wouldn't even know war's going on" as a result of the balance of power which developed. [Ref. 19:p. 24]

Richelieu had to avoid war as long as possible because France was weak militarily from its [civil] wars of religion. [Ref. 17:pp. 72-3] Louis, on the other hand, was able to build a large army (from a few thousand in 1661 to one hundred fifty thousand by the early 1680s). In the process he attained more direct control over the army than previous monarchs had enjoyed. In one instance, a French colonel-general who died was not replaced because his clientage network gave him more power over the army than Louis XIV himself had. Kings also tried to take over the role of provider for the army by paying salaries and trying to implement promotion by merit rather than by venality. Furthermore, attempts to improve logistics were intended to reduce the burden the army placed on the population (unless such was a specific tactic which a king might desire to employ). [Ref. 17:p. 145]

In comparison to the previous century, war strengthened the European states in the age of Louis XIV. This trend came about by a combination of increased revenues (higher taxes on increased international economic activity), internal political compromise which allowed monarchs to placate their aristocracy, and direct royal control over large armies. Strategic war aims were usually limited—war was often (for Louis, certainly) simply for glory. War had, indeed, "to a remarkable extent . . . become simply the business of those engaged in it, and the rest of society supported . . . periodic conflicts without much damage to itself." Economic, intellectual, and cultural activity thrived during this period. [Ref. 17:p. 196]

But such concentrated power created jealousy in those who did not have it. The development of scientific thought led ambitious men to apply methodical thinking to political philosophy. Centralized power—a product of the concept of *raison d'état*—proved an irresistible, heretofore forbidden fruit to men with latent, unchanneled ambition outside the aristocracy.

C. THE FRENCH REVOLUTION AND NAPOLEON

One of the themes of the Enlightenment is that happiness is the goal of human existence and reason is the source of human happiness. Montesquieu, Hume, Rousseau, and Voltaire dreamed of a more just society based upon reason, but kept human nature squarely in view. [Ref. 17:p. 204] This was classic Rationalism, and consistent with its roots in antiquity. So heady was the promise of the philosophy of reason and "tolerance" that Burckhardt likened it to religion (which it began to replace), complete with zealous, convinced adherents, even martyrs. [Ref. 15:p. 91]

Even before the French Revolution, statesmen saw the Enlightenment as a means to increase their authority and wealth by ostensibly promoting the Rationalist goal of general welfare. The promulgation of uniform laws, the removal of barriers to economic activity, and a reduction of the role of spirituality and religion in intellectual life (reducing the power of the church, to the benefit of the state) all served to create a dependence upon the state—specifically, those in power. The introduction of such institutions as compulsory education and improvement of the status of peasants increased governmental power and therefore the role of government. The focus was on the results of government at this point, not its form; "reason was a new weapon against traditional privilege, which still stood in the way of centralizing [and authoritarian] monarchs." [Ref. 17:pp. 205-6]

Monarchs began to secularize ecclesiastical territories to finance their activities (and further reduce the power of the church). Frederick the Great helped turn state aggrandizement into a royal duty. What began with internal ecclesiastical territories continued with external property. Not a personal whim, expansion pursued by the "first servant of the state" became a requirement of state prestige. Thus the first partition of Poland between Frederick, Catherine the Great, and Maria Theresa presaged the bufferism and territorial compensation which was to come in the nineteenth century. [Ref. 17: pp. 207-9]

Burckhardt was skeptical about the political-philosophical forces of the French Revolution; that which was formerly the voice of God expressed in the divine right of kings became the divine voice of the people. [Ref. 15:p. 19] But the growth of the state (particularly at the expense of the church) was not without consequence. Perhaps the

reduced importance of the church led indirectly to the demise of the *ancien régime*. The "divine right of kings" was based upon an interpretation of God's will; if God was somehow discredited, how could kings justify their position and rights?

Unrest in France and the rise of a new and ambitious class of men, combined with the erosion of the legitimacy of the old régime and the rise of the new ideology of state power, led to a new era of general war in Europe. Expansionism provided the new élites with tremendous opportunities, but they would soon find that their great ambitions required more resources than were available. [Ref. 17:p. 212]

French expansion in the 1790s was originally for political and ideological reasons—spreading revolution and increasing French power and prestige. These reasons soon gave way to financial ones. The mercantilism which grew under the authoritarian monarchies now reappeared. Robespierre, while decrying annexation, fully exploited French territories. But before he could win his wars, the Thermidor threw him and the Jacobins from power in 1794. The Thermidorians and Directors, however, soon found themselves in the same position as that of their predecessors; expansion required increased finances, which could be found only by further expansion. After confiscating church lands, the revolutionary governments had to go after capital abroad. [Ref. 17:pp. 214-22] The same problem which confounded Philip II—ambition which outran resources—returned in commensurately greater scope to plague the new form of government.

The chaos of the 1790s enabled the cleverest, most ambitious men to rise to the top—Dumouriez, Jean Championnet, Jean Moreau, Louis Hoche, and Napoleon Bonaparte. These men were motivated more by personal gain than by class conflict or

ideology. Napoleon in particular (like Wallenstein and Louis XIV before him) embodied the spirit of his age. "Temperamentally unsuited to peace," he profited immensely by the turbulence of the time. After coming to power he proceeded to augment his own position by throwing out much of the libertarian work of the Revolution and advanced some of the changes begun by the old régime (for the same reasons—to increase his power vis-à-vis his subjects and other powers). [Ref. 17:pp. 223-40]

The revolutionary armies were more rapacious than the royal armies of the earlier part of the eighteenth century. This was largely because they had to secure resources both for themselves and for the Revolution. Their predatory ferocity exemplified the four main influences on international politics in the revolutionary era: the glorification of the expansion of the state; the loss of legitimacy of the territorial and social arrangements of the *ancien régime*; the financial needs of the revolutionary governments; and the rise of ambitious men. [Ref. 17:pp. 228, 237] Using first Rationalist, then eventually Revolutionist arguments, the Revolution was subverted by those whose inclinations redirected it toward purely Realist ends. Napoleon cannot be said to have conquered Europe for the hopeful realization of a "better world" nor even for a "better peace" in which Frenchmen might more easily pursue happiness. He fought because it was his nature to fight; for him "*le jour de gloire est arrivé*" had nothing to do with *les droits de l'homme*. In the name of the state and, ostensibly at least, the nation, he sought to aggrandize France at the expense of the rest of the continent.

The new philosophies articulated during the Enlightenment legitimized ruling élites "whose appetites actually exceeded the available resources," just as in the Thirty Years

War. In fact, two ideas served to strengthen the state's newfound status: nationalism and imperialism. These would grow throughout the remainder of the nineteenth century. [Ref. 17:p. 270] Burckhardt foresaw the inherent dangers in such ideas. Holding that "power is in itself evil," he greatly feared the consequences of the spread of uncontrolled power to the "scrofulous" masses. Such a powerful state would bestow the privilege of egoism (properly belonging to religion) upon the state, ultimately at the expense of the individual. Weaker neighbors are annexed mainly to prevent other powers from doing so. Such crimes committed by the state are rationalized later—the ends justifying the means—and the cycle continues, feeding upon itself. "Are we to take no account of the blow dealt to morality by any successful crime?" [Ref. 15:pp. 68-9]

D. 1815-1914: THE UNEASY PEACE

The conservative reaction which followed Napoleon's banishment created relative calm in international politics. In the Concert of Europe the homogeneity of the ruling class was restored; once again the heads of state of the five great powers (England, France, Russia, Prussia, and Austria) were like-minded nobles who sought to maintain their positions both at home and relative to one another. Minor jostling from time to time merely vindicated the balance of power of the early nineteenth century; if one ruler tried to improve his position (necessarily at the expense of the others), the rest would remind him of the appropriate limits.

But beside monarchs and ministers there arose after 1815 a new breed: the professional politician. The basis for power and the relationship between ruler and ruled changed fundamentally through the concept of constitutionalism. The professional

politician portrayed himself as the servant of the general welfare, responsible for the well-being of society, and the guarantor of the people's basic rights. This led inevitably to the growth of popular expectations; politicians found themselves promising education, labor concessions, and old age pensions to gain office and national prominence. [Ref. 17: pp. 272-3] The clientage-patronage game of old had merged into popular "politics."

To Burckhardt this implied an unprecedented and altogether unsatisfactory growth in the coercive power of the state. In the pursuit of material well being, the state brought all resources to bear; "experimenting" with mercantilism, making all assets (private land, capital, raw materials) available and transferable. Political thought of the day strengthened the growth of the state's power—specifically, the power of coercion: many of the programs produced by state-favored political thinkers were put into action. [Ref. 15: pp. 180-2]

International conflicts began to break out for vague reasons usually involving the placation of restless populations which appealed to rights heretofore unvoiced on an international scale. For instance, the Crimean War began in 1854 mainly because the Ottoman Empire was oppressing Greek Orthodoxy. Russian aid led to a continental war. This new phase of political unrest led to the rise of a new group of ambitious men, including Bismarck, Cavour, and Napoleon III. They gave war a sharper focus—aggrandizement in pursuit of imperial security. Cavour effected the unification of Italy and Bismarck, in three quick wars, unified greater Germany. But there was no relaxation of tension after 1870, as there had been after 1815. Most of the "buffer" states were

gone, having been swallowed up in the wars of unification. Imperialism, spurred by nationalism, was on the rise. [Ref. 19:pp. 35-6]

In this atmosphere politicians had to perfect ways of maintaining the confidence of a citizenry increasingly divided economically, socially, and politically; whatever their personal beliefs, they had to claim to speak for the whole society. National legislatures provided a catalyst for the process of obligation. Agriculture and industry demanded tariff protection, labor demanded reforms, churches wanted control of education, and minorities wanted to redraw borders. The task of government grew ever more complex. As the failures of liberalism became more and more obvious, socialism threatened the whole European political structure and therefore, some argue, pre-1914 politics revolved around meeting this threat by accommodating socialist programs. But there were limits as to how far this could go:

> The demands of various interest groups for public support—demands which ambitious politicians inevitably sought to meet—clearly tended to outrun society's willingness to pay increased taxes. [Ref. 17:pp. 275-9]

Burckhardt puts it more bluntly. The immeasurable requests of the masses addressed to the state would assign to the state "never-heard-of and outrageous tasks, which could be accomplished only by a mass of power which also was never-heard-of and outrageous." [Ref. 15:p. 22]

Although the nobility still dominated the officer corps in the period 1815-1914, they did not press for war in Europe, but regarded mobilization of the peoples as too dangerous to risk. [Ref. 17:pp. 264-5] Not that the balance of power aimed to eliminate war—the threat of military action was viewed as legitimate if objectives were limited and

did not threaten the system. States were careful to maintain the balance through reactive war. However, as bipolarity became more rigid in the latter half of the nineteenth century, "the distinction between permissible and impermissible war faded." [Ref. 19: pp. 46-7]

Modern governments harnessed vastly superior resources compared to the *ancien régime*. Imperialism garnered immense material assets; conscription provided huge, patriotic, and well-disciplined armies. These popular armies believed "that governments fight wars on behalf of the whole people." Thus the consequences of war mattered to all. Governments would learn, however, that the combination of these factors could make wars hard to stop. And when a government failed—i.e., lost a war—all the traditional political and social arrangements were swept away and replaced by the most extremely nationalist régimes the world has yet seen. [Ref. 17:p. 280]

E. WARS OF THE PEOPLE

The next phase of the drift of sovereignty would again change views about the legitimate uses of force and thus bear out some of Burckhardt's direst prophecies. The unrealized expectations of the First World War led almost directly to the beginnings of the Second. Both were wars of whole peoples; the loss of "half the seed of Europe, one by one" [Ref. 20] by 1918 did not prevent—indeed, may have been a primary cause of—an even greater conflagration twenty years later.

Many hoped World War I would make further conflict impossible. Socialists and liberals harbored the Revolutionist hope that it would lead to a new, more just world order with no trade barriers, general disarmament, perhaps even with a new world

organization—hence, Woodrow Wilson's Fourteen Points. [Ref. 17:p. 332] This was Revolutionist Theory at its purest; a war to end wars represents the height of Revolutionist aspirations. But it ignored or overlooked the powerful political forces of the era.

Nationalism exacerbated by the Enlightenment's development of the state yielded a new form of mercantilism. Modern imperialism—"nationalist mercantilism"—represented the pursuit of material gain of a magnitude greater than its *ancien régime* antecedent comparable to the increased numbers of those now claiming political power, namely, Everyman. It is therefore not surprising that the war which began in 1914 involved every modern power in existence at the time, or that its inconclusive end failed to attain the combatants' grandiose aims in any lasting form.

But the imperialist aims of acquisition which led to World War I could not, of course, be realized afterward without completely dismantling the losers. All parties involved accumulated huge debts as a result of the war, and the winners were determined to dispose of theirs at the expense of the losers. But the pips refused to squeak for long—new leaders arose who promised to achieve that which earlier governments could not (leading eventually to World War II). The exploitation of the losers was to be expected, considering the degree to which victorious governments were willing to cater to the extreme desires of their peoples. The pursuit of imperialist, material gains at the expense of the losers represented the mutation of a Revolutionist goal (making further war impossible) into a thoroughly Realist goal (obliterating the threat posed by another power). [Ref. 17:pp. 330-4] War and its retributional aftermath were thus legitimated by

the victorious peoples' lust for compensation: that is, acquiring that which they felt was their reward for fighting and defeating an evil enemy. In the words of Burckhardt,

> Every power . . . aims at completion and perfection within and without, and has no regard for the rights of the weaker.
>
> Here peoples and dynasties proceed in exactly the same fashion, only that in the former, the decisive factor is the appetite of the masses, in the latter, reasons of "state." [Ref. 15:p. 66]

Imperialism and nationalism were the dominant themes in the early twentieth century, both before and after the First World War. But the international nature of world economic growth made the sought-after economic independence impossible, and the heterogeneity of Europe made the attainment of homogeneous nation-states impossible without employing mass deportation or genocide. Governments had to reconcile or appease these ideas: traditional democratic governments failed to do so while totalitarian régimes sought to change reality to meet their desired ends. [Ref. 17:pp. 281-2] The strategy of pip-squeezing to reduce the imperial threat which Germany posed not only ignored but also exacerbated the other central issue of the day—nationalism. Economic strangulation created a *casus belli* no German could ignore. [Ref. 17:pp. 352-3] Thus Hitler led an entire people into a war which they were convinced they had to fight in order to survive and grow strong *as* a people—what greater motivation could be imagined? It was sufficient to require the concerted effort of the rest of the modern world to defeat it.

From the first global war Franklin Roosevelt (as well as Churchill and Stalin) learned that the mere cessation of hostilities would not achieve victory, much less prevent the recurrence of totalitarianism and hence further war. Complete disarmament and

occupation of the countries responsible was viewed as essential toward ensuring peace and rebuilding the world economy. [Ref. 19:p. 102] Popular sentiment in the Allied states (to remove the totalitarian-nationalist threat entirely) ultimately overpowered the German popular demands and expectations which legitimated war for Hitler. Totalitarianism represented an aberration of the transfer of sovereignty. It illustrates how the intoxicating effects of power can corrupt not just megalomaniacal leaders but also whole nations, in the name of self-determination and national interest.

F. WAR IN THE AMERICAN TRADITION

The Framers of the Constitution held uppermost in their minds the importance of sharing power between the separate branches of government, for the specific reason of avoiding the concentration of power in the hands of one man (or a few men) who could not help but be corrupted by such power. They left Europe for that very reason (there were other reasons, to be sure; but escaping tyranny, be it benevolent or malevolent, was paramount).

The separation of powers applied *inter alia* to the authority to wage war. The language of the Constitution is vague (many believe it is intentionally so) on the issue of who precisely has that authority; the President is named as the "Commander in Chief of the Army and Navy" [Ref. 21:Art. II(2)]. On the other hand, Congress is given "Power . . . To declare War," [Ref. 21:Art. I(8)].

The Framers originally considered whether Congress should "make" war. Pinckney pointed out that expecting a legislative body to make a decision to go to war in an expeditious manner was unrealistic. Therefore vesting in Congress the sole authority to

make war might prove perilous to the nascent nation. Pierce Butler went to the extreme, saying the Executive ought to have the sole authority. James Madison and Elbridge Gerry would not hear of such autocracy: the President should be able to act immediately as Commander in Chief to repel sudden attacks, proceeding without approval of Congress. However, only Congress should be able to declare an offensive war. [Ref. 22:p. 34] Thus a balance was struck, allowing for a speedy response to emergencies but limiting the power concentrated in the hands of the executive.

America's first war was a rebellion against its British masters. In Clausewitzian terms, it must be categorized as a limited war insofar as the war aim was not to conquer nor vanquish the enemy completely, but rather to revolt against the enemy and to carve out territory for the purpose of creating a new state. [Ref. 23:pp. xx-xxi] American war began, then, with a war "of, for, and by the people."

America's *declared* wars* have generally fallen into Wight's Revolutionist category, although U.S. purposes have included certain elements of both Realist and Rationalist theories. There are always *Realpolitik*, power-gained-or-lost considerations, just as there are often accommodations to be made vis-à-vis other powers' interests weighed against those of the United States. But the themes of these declared wars include saving peoples from tyranny, privation, or even from themselves.

Wars are declared or not declared for political reasons. The declared wars were generally fought against foes of roughly equal or greater power (Great Britain, Spain, the

*The War of 1812, The Mexican American War, The Spanish American War, and the two World Wars. [Ref. 24:p. 38]

Axis Powers), while undeclared wars are fought against lesser foes (there are over 200 examples including military action in the western hemisphere, Africa, the Middle East, and southeast Asia). [Ref. 24:p. 37]

Undeclared wars, far more numerous, were not usually the 'emergencies' the Framers had in mind. Actually they are the more Realist (sometimes Rationalist) wars, although they are portrayed as Revolutionist, i.e., in support of an oppressed or distressed people. This became particularly true during the Cold War. Louis Hartz's liberal Americans experienced a split; the Cold Warriors' Manichæan view of world politics demanded that Communism be fought tooth and nail with intervention in the "Third World" while the neo-Wilsonians advocated self-determination and non-intervention [Ref. 3:p. 4].*

G. CONCLUSION

Grotius tried to reformulate the criteria for a just war, casting the concept of a Crusade in secular terms. This eventually led to a belief in a legal framework to define aggression and war. Thomas Aquinas said the just war must be declared by the proper authority—a concept which has also survived to modern times: the United States sought United Nations endorsement before committing forces to resist aggression in Korea in 1950 [Ref. 8:pp. 217-20] and in Iraq forty years later.

These concepts have endured through the ages at least in part because they are logical; they appeal to a natural sense of order. They have been used to legitimate Realist wars and to justify Rationalist wars, whichever served the needs of the rulers of the time.

*Recall Wight's citation of Talleyrand: "Non-intervention is a political and metaphysical term which means the same thing as intervention." [Ref. 10:p. 136]

But new forms of government have not proven very sympathetic to logical arguments. Concepts which applied readily to individuals (monarchs or despots who comprised the international political order) are not so easily transferred to whole peoples, or even their representatives. The Enlightenment and the French Revolution provided Everyman the opportunity to engage in the sport of kings. But with the dispersion of power inherent in democracy comes dispersion of responsibility, consequences, and obligations which many are not willing or able to accept.

III. LEGITIMACY IMPARTED BY THE UNITED NATIONS

Far from heralding the end of history, the demise of Soviet Communism (and with it bipolarity) brought a *return* of history to Europe and to the world, as demonstrated by the events in the former Soviet Union and the artificial nation-state of the former Yugoslavia [Ref. 7:p. 29]. By 1992, Europe, like much of the world, was caught in the clash between two opposing forces: the logic of economics and interdependence (represented primarily by the E.C.), and the logic of ethnicity and nationality that demands separation and independence. The forces of separation carried the day: the Czech and Slovak Federated Republic "velvet divorce" in January 1993, the Balkan turf-struggle of "ethnic cleansing" that began in June 1991, the shake-up of the European Monetary System in September 1992 and the setbacks in ratification of the Maastricht Treaty in 1992 and 1993, and the tightening, rather than loosening, of E.C. borders as a result of stricter asylum laws in 1993. The futures of the Western European Union and the Franco-German Corps are uncertain, and the Conference on Security and Cooperation in Europe (CSCE) may be going the way of the League of Nations. Voluntary or coercive, Cold War bipolarity was orderly and unifying. Now Europe's nations and nationalities are freer than ever since 1945 to follow their own perceived needs. [Ref. 7:p. 43]

The period bears a curious similarity to that of the mid-to-late-nineteenth century. From the period of the Crimean War (the final death agony of the Concert of Europe) until the First World War, international politics manifested a struggle between the old

system and the new. Monarchs and aristocratic ministers interacted according to old norms of behavior but the demands placed upon them were of an altogether modern nature: the demands of a society with new concepts of the duties, concerns, and obligations of government. A similar inter-epochal friction seems to exist today. Leaders whose experiences are entirely circumscribed by Cold War diplomacy seem largely incapable of dealing with the demands of a world released from the constraints of bipolarity. These demands center around the attainment of independence (with resultant sovereignty and sovereign equality). Ironically, this places the U.N. in the awkward position of having to support, on its own principles of self-determination, the divisive tendencies now evident throughout much of the world while simultaneously safeguarding the basic human rights of minorities which find themselves on the wrong side of a new border.

The concepts of sovereignty and equality among states are fundamental to the Charter of the United Nations and are the underpinnings for international law as it has come to be known. The purposes of the U.N. include "to bring about by peaceful means, *and in conformity with the principles of justice and international law,* adjustment or settlement of international disputes . . . ." [emphasis added] [Ref. 2:Art. 1(1)] The problem now is that the U.N. must learn to deal with crises which are not strictly international, such as a civil war. But there is room for optimism; the U.N. Charter can be interpreted to define a crucial role for the U.N. in precisely those types of disputes.

Internal constitutional arrangements of other states *have* become an international concern and security interest. Civilian control of the military, executive accountability

to the legislature and to the electorate, and thereby the state's internal war powers, determine a state's ability to uphold treaty responsibilities for collective defense or collective security and, more importantly, to avoid aggressive wars. [Ref. 25:p. 93] Claude takes this one step further; if a state has degenerated to the point that there exists no coherent, recognizable, centralized government, then the international community (specifically, the U.N.) is justified in intervening to establish internal and regional order. Collective action in this situation contravenes no sovereignty since there is no government to claim such. [Ref. 26]

Within that context, it is incumbent upon the most powerful Members of the U.N. to ensure that its goals and principles are upheld. Connaughton points out that the absence of the United States and [until 1934] the Soviet Union from the League of Nations was a fatal weakness for that organization. The U.N. does not share that weakness; the cooperation and encouragement of all the great powers in the U.N. might actually enable U.N. approval to become a *sine qua non* for the use of force. If nations became accustomed to working within the U.N. framework, the absence of U.N. authority might prevent futile operations from being undertaken. Even the U.S. and the U.K. would have found it difficult to proceed in the Gulf crisis without support from the UNSC. [Ref. 27:pp. 50, 172]

Herein lies a future mission-defining opportunity for the armed forces of the United States. But before civilian leadership tasks the military to use force on behalf of the U.N.—in effect becoming the "world police"—there must be a clearly defined basis in

international law for the employment of force in areas and conflicts where a direct threat to the United States may or may not be clear.

A. LEGITIMACY UNDER THE CHARTER AND INTERNATIONAL LAW

Legitimacy is a slippery concept, but if one is to discuss global U.S. military involvement in terms of legitimacy derived from the U.N., some definition must be assayed. Franck defines legitimacy as

> a property of a rule or rule-making institution which itself exerts a pull toward compliance on those addressed normatively because those addressed believe that the rule or institution has come into being and operates in accordance with generally accepted principles of right process. [Ref. 28:p. 516]

In even simpler terms, Almond and Powell say legitimacy in a political system derives from the perceptions of citizens [in the current discussion, U.N. "Member states"]; "if citizens believe that they ought to obey the laws, then legitimacy is high. If they see no reason to obey, . . . then legitimacy is low." [Ref. 29:p. 39] Underlying both definitions are the assumptions that there is a degree of (revocable) consent on the part of the members of the system; that the system in question functions for the benefit of its members, not its leaders; and that the system's rules and decisions apply to all equally and without bias. This is, in part, the meaning of "right process."

Application of these ideas to the U.N., certainly political but clearly not governmental, requires only a small leap. Derived from, and modeled on, the philosophies and principles of the Western democracies which won the World Wars, the concept, structure, and Charter of the U.N. naturally conform to the ideals and demands of liberal political tradition. Without judging (or making preconditions regarding) the specific internal

political arrangements of Member states, the U.N. General Assembly (UNGA) offers each government an opportunity to voice its concerns and contribute to the resolution of issues of general international concern. So long as the interests of one state or a group of states are not perceived to take precedence systematically or regularly over the interests of others, the system can function and be viewed as legitimate. States voluntarily agree to uphold and comply with the Charter; inherently neutral and unbiased regarding individual Member states,* the Charter brooks no charges of favoritism or partiality if all adhere to its "right process."

Still, the use of force by one Member state against another poses certain problems regarding the legitimacy thereof under the ægis of the U.N. Charter. Article 2(4) enjoins states to "refrain . . . from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." [Ref. 2:p. 4] But, realizing that there will always be rogue states which flout international law, the Charter provides recourse. Article 2(4) does not stand alone and should not be read to prohibit *all* use of force (*see* Appendix A). The protection and furtherance of human rights, maintenance of peace, and self-determination sometimes require the use of force. "The U.N. Charter was not intended to protect repressive dictatorships or empires," writes Kirkpatrick. [Ref. 30:p. 108]

If read and interpreted literally, the Charter effectively outlaws aggressive war and simultaneously offers an antidote: collective police action. Connaughton describes two

---

*With the exception of the five permanent Members of the Security Council (China, France, Russia, the United Kingdom, and the United States), hereafter *P-5*.

threads of legality within the context of the U.N.: first, the precise law which derives its authority and legality from Security Council Resolutions, and second, the vague and uncertain "elastic" thread wound around Article 51. "The decision therefore to indulge in self-defence," he writes, "is always subject to international review in the Security Council . . . ." [Ref. 27:p. 62-3] The inherent right of self-defense—which Article 51 specifically recognizes—is subsumed once the Security Council becomes seized of the matter (due to the phrase which begins with the word "until") if one reads the language strictly (*see* Appendix A). According to Franck and Patel, the opportunity for the system to work *as designed* and unencumbered by Cold War constraints now exists and ought not to be muddied or misconstrued as a continuation of the pre-1989 "unilateral war system." Two elements of U.S. politics have perpetuated the old system: the "hawkish" tendencies in the executive and the "dovish" proclivities in the Congress. [Ref. 31:p. 63]

The "hawkish" elements do not believe that Article 51 limits a country's right of collective defense; viz., UNSC resolutions against Iraq that authorized police action did not (in, for example, President Bush's view) limit U.S. ability to act in any way. The implicit assumption is that the authority to engage in war is not conditional upon, but rather augmented by, U.N. support or authorization. Some argue that this runs counter to common sense and to a careful reading of the Charter text.

Ironically, "doves" in the U.S. Congress abet the "hawks" in the support of the traditional unilateral war system. Their insistence on being consulted and prohibiting action until they have given their approval is a vestige of the old system and, Franck and Patel aver, ought no longer to obtain. Some Members of Congress view UNSC resolutions

authorizing the use of force as no more than "an invitation to go to war, requiring a traditional declaration of acceptance by Congress." Franck and Patel base their argument on the idea that the type of aggressive war which the Framers of the U.S. Constitution sought to control, being outlawed by the Charter, can now be relegated to the history books—if only the leaders of the major powers of the U.N. (the P-5), and specifically the U.S., would suffer it. Furthermore, the San Francisco conferees of 1945, when hammering out the Charter, considered the Chapter VII enforcement measures—"the teeth of the United Nations"—not as *recommendations* but rather as *obligations*. The UNSC, not the UNGA, was to make and carry out these decisions so as to facilitate speedy action [echoing the Framers' debates in the 1780s]. Once the UNSC has taken a decision, the notion of individual states subsequently debating internally whether to support the UNSC is entirely inconsistent with the Charter as written. [Ref. 31:pp. 64-5] In debate in 1945,

> the Senate believed it was creating a new system in which an international institution—rather than individual states—would exercise principal responsibilities through a global police power, for maintaining international peace and security. [Ref. 31:p. 66]

Franck and Patel further contend that congressional approval for each UNSC decision to use Article 43 troops would violate the spirit of the Charter, and would also violate the spirit of the U.S. Constitution (which allows the President to use force without congressional approval). Senators therefore rejected the "appeal to attach the old requirements for going to war to the new system of global policing." [Ref. 31:p. 67] The President's use of troops under Article 42 is not a breach of the Constitution, but rather is *required* by it because it represents compliance with international law, to which the President is obliged to conform. The War Powers Resolution of 1973 (which restricts the

troop-committing authority of treaties to those which are implemented by legislation intended to constitute specific statutory authorization) "blithely declares that nothing in the War Powers Resolution 'is intended to alter . . . the provisions of existing treaties.'" [Ref. 31:p. 72]

But certain questions still arise regarding the constitutionality of supplying troops for collective U.N. police action without congressional approval. Glennon interprets Section 6 of the United Nations Participation Act of 1945 (UNPA) as restricting the President's authority to provide troops to the UNSC for Article 42 actions to such levels as may be specified in Article 43 agreements [of which none exist nor have ever existed]. Section 6 does not provide the President any *a priori* authorization; no troops may be authorized, Glennon continues, without the expressed consent of Congress. [Ref. 32:pp. 78-9] Furthermore, the War Powers Resolution, while not altering "the provisions of existing treaties," implies that Chapter VII of the U.N. Charter may be a dead letter; "no treaty may serve as a source of authority for the introduction of the armed forces into hostilities." Section 8(d) of the War Powers Resolution is therefore redundant; *no* treaty has committed or can "commit the United States automatically to introduce its armed forces into hostilities." [Ref. 32:pp. 83-4] Perhaps fearing where such an argument might lead the U.S., Germany, Japan, and others, U.N. Secretary-General Boutros Boutros-Ghali, in his report entitled *An Agenda for Peace*, implores powerful states not to succumb either to unilateralism or to "isolationism, whether it results from political choice or constitutional circumstance," for both can shake international confidence and squander the present renewed opportunity [Ref. 33:p. 46].

How one decides to interpret Chapter VII, specifically Articles 42 and 51, will determine one's view of the legitimacy of the use of U.S. military force on behalf of the U.N., particularly when vital U.S. national security interests cannot be said to be involved in given crisis. No one contests that the President may use troops without congressional approval *under certain circumstances* (*see* Chapter 4 below); the question at hand is the nature of the circumstances. Can the President use force in an emergency to protect a friend or an ally from invasion, or to provide humanitarian aid, or simply to right a very grievous wrong?

B. LEGITIMATING THE GULF WAR

When Iraqi President Saddam Hussein's forces invaded Kuwait on 2 August 1990, Iraq was in violation of the U.N. Charter, Articles 1 and 2. Iraq's action also violated the principles in the Preamble to the Charter. The invasion resulted in Iraq's immediate censure and elicited UNSC Resolution 660 (1990), which demanded Iraq's immediate and unconditional withdrawal to 1 August positions. [Ref. 34:p. 75]

A source in New York has compared the invasion to Italy's venture into Ethiopia and Hitler's expansion into the Sudetenland. Indeed, these were two of the key events which guided the formulation of the security-related portions of the U.N. Charter. U.N. action to correct the situation in Kuwait therefore seemed quite natural; there have been few assaults on state sovereignty so clearly aggressive, so ruthless, and so evidently illegal in terms of international law.

The U.N. retributional reaction eventually became so great as to lead some to manifest a degree of compassion for the Iraqi aggressors [Ref. 27:p. 125]. But, as

Kirkpatrick points out, "acts of aggression trigger a right of self-defense, and . . . to condemn the use of force in self-defense and not the original act of aggression undermines the effort to restrain aggression." [Ref. 30:p. 106] In the U.S. view, Kuwait's right to self-defense included the right to ask for the assistance of outside powers, specifically the U.S. Not all interpret Article 51 in this way; even with such an interpretation, does the request from Kuwait give the U.S. President the right to commit troops to battle without the consent of Congress? Opinions vary on the issue, owing to differing interpretations of both the U.N. Charter and the U.S. Constitution.

Franck and Patel hold that the new police force function of the U.N. meant that Bush had to await the UNSC's resolution [678 (1990)] before taking action in the Gulf.* But Congress's power was also limited; the UNSC Resolution removed the President's obligation to secure what the new system is designed to make obsolete: a nation's unilateral decision to go to war. Franck and Patel view this as not incongruent with the spirit of the U.S. Constitution; the power to wage war is still kept from the hands of one person. [Ref. 31:p. 74]

Glennon disagrees. While acknowledging that Resolution 678 conferred an international *right* to the U.S., it did not confer a *domestic power* to the President to use force. The Constitutional process must still be observed. "Article 51 cannot be read to confer a power on the President to use forces without Congress's consent . . . ." [Ref. 32: p. 81]

*The argument apparently rests on Article 42 rather than Article 51, although Resolution 678 refers, through Resolution 661, to Article 51.

Weston goes even further, attacking the legitimacy of Resolution 678 itself. He cites four reasons why Resolution 678 lacked clear-cut legitimacy: 1) the indeterminacy of its legal authority; 2) the use of great-power pressure diplomacy to secure it; 3) its wholly unrestricted character; and 4) the UNSC's hasty retreat from nonviolent sanctioning alternatives. All these stand in contradistinction from the U.N.'s acclaimed "purposes and principles: the pacific settlement of international disputes and, failing that, a genuinely collective assertion of authority . . . ." [Ref. 35:p. 518]

The first problem, that of the legal authority of Resolution 678, is particularly vexing for Weston. He states that it cannot be based on Article 42 because of that article's dependent relationship with Article 43. The Cold War and other factors have prevented the use of Article 43, thereby making Article 42 a dead letter. A legal basis on Article 51 is also fuzzy because Resolution 678 only *recall(s) and reaffirm(s)* Resolution 661 (1990), and never states that it is "acting under" Article 51.* Furthermore, Weston interprets "collective self-defense" to refer only to extant security arrangements (Connaughton concurs [Ref. 27:p. 64]), and goes on to say that self-defense is "justified only on the basis of overwhelming necessity, including the absence of other means and time for deliberation, as reflected in both traditional international law and post-Charter theory and practice;" in his view, sanctions should have been allowed more time to work. Finally, Article 39 cannot be used to justify the Resolution (as it was in Korea), because 678 made an "authorization," not a "recommendation." Iraq, therefore, represents a

*Here Weston's argument is imprecise. Resolution 678 "fully implements . . . the foregoing resolutions," including Resolution 661, which affirmed Kuwait's rights as specified in Article 51 (*See* Appendices).

precedent, an "'Article 42½' authorization." Weston has no quarrel with the evolution of the Charter but advocates care in the process. [Ref. 35:pp. 519-22]

Regardless of these kinds of objections, the U.N. Resolutions garnered widespread support in the U.S. and elsewhere. Coinciding with growing American post-Cold War demands for greater allied "burden sharing" [Ref. 36:p. 22], on 17 December 1990, North Atlantic Treaty Organization (NATO) foreign ministers committed themselves to the U.N. Resolution to use force if Iraq did not leave Kuwait by 15 January 1991. On 25 December, six Arab states of the Gulf Cooperation Council (GCC) ended their summit with a warning to Iraq that war was the only alternative to withdrawal from Kuwait. [Ref. 37:p. 44]

1. Realist Rationales

Sources in Washington, D.C. cite the threat to the free flow of oil as the primary reason the U.S. employed armed force against Iraq. The *Realpolitik* timbre of this justification represents an augmented Carter Doctrine: the protection of the free flow of oil plus the refusal to allow one despot to control too large a percentage of that flow. With the combined resources of Kuwait and Iraq, Saddam controlled an unacceptable portion of the region's output. This oil is not as critical for the U.S. as it is for allies and economic trading partners in Europe and East Asia, but as the America's largest trading partners, any threat to their economies is also a threat to that of the U.S.

The Charter does not specifically authorize the use of force based on *economic* threats, except as such may detract from international peace and stability, the maintenance of which is the first Purpose listed in Article 1(1) and 1(3). No official statement,

therefore, could or did list "protecting oil" as the primary legitimation for intervention in Iraq.

More in keeping with the spirit of the Charter, sources often cited the very real military threat Iraq posed to the region as a legitimating factor. Iraq directly threatened Saudi Arabia (a competitor for regional hegemony) and, with ballistic missiles, Israel. Saddam had amassed the fourth largest army in the world; he had chemical and biological weapons capabilities and was allegedly in the advanced stages of developing nuclear weapons as well (to an extent virtually unsuspected before August 1990, and still not completely exposed and documented as of early 1993). The Charter clearly addresses this sort of threat, not only in the Preamble and Articles 1 and 2, but also in Chapter VII. Weston takes issue, however, with the manner and pace with which the U.S. (and therefore also the U.N.) proceeded to Chapter VII military measures without giving even more consideration to Chapter VI nonviolent measures and Chapter VII non-military sanctions, and cites as a successful example of sanctions and patience the release of the 52 American hostages held in Tehran in the late 1970s [Ref. 35:pp. 528-9].*

2. Rationalist Rationales

Restoring international order and the rule of law to the Gulf region was an explicit Rationalist legitimation for the use of force because it facilitates the attainment of yet other important goals. In the Rationalist view, state sovereignty is of primary concern. When a state is threatened or actually attacked, removal of the threat and

*Weston fails to cite other possible explanations for the hostages' release, e.g., the election of Ronald Reagan.

restoration of the situation to antebellum conditions is a legitimate war aim for the victim state and other involved states. These traditional rights of sovereignty are outlined and authorized in Article 51 of the Charter. What is not clear is the phrase, "collective self-defense," which may strike the ear as a contradiction in terms. It is variously interpreted to mean pre-existing alliance arrangements (Weston) or an appeal to initially non-involved or perhaps indirectly threatened states for assistance (Franck and Patel; Bush).

Washington sources identified the restoration of the Kuwaiti government as the official main war aim of the coalition, as authorized in the U.N. Resolutions and derived from the Charter's principles of the sovereignty of states. The clause in Resolution 678, "all means necessary," is generally viewed as being within the guidelines of the Charter. However, Weston contends that Resolution 678's authorization "to restore international peace and security in the area" left too much room to maneuver. According to Weston, "this license was . . . precisely what Washington's confrontational politics demanded" and allowed the use of "the U.N. flag to make war independently;" this relationship illustrated for Weston the U.N.'s increased and inappropriate dependence on the U.S. [Ref. 35: pp. 525-7]

Another tenet of Rationalist Theory is that, although one nation can never fully understand the interests of another, some approximation thereof may be grasped. International relations, therefore, consist of accommodating other states' interests as far as possible without compromising the interests of one's own state. In the Gulf War, the U.S. had to accommodate and assuage the (often Realist) needs of allies, in the region and

around the globe, and simultaneously attend to its own interests. Fortunately, U.S. interests largely coincided with those of its coalition partners.

Washington sources generally concurred that European states depend on Middle Eastern oil more than does the U.S., therefore they had greater national interests at stake than did the U.S. Japan was even more dependent than Europe, but could not join the military coalition against Iraq. Nations with vital interests at stake but which were constitutionally unable to take part in military action (or could not take part for lack of assets, e.g., Kuwait) paid the U.S. and others to do what needed to be done—use force. The U.S. responded to its own perceived economic-related security needs. If the price of Middle Eastern oil rises too much, it affects not only the countries which depend almost exclusively upon it, but also those countries' major trading partners—namely, the U.S. The benefit to the U.S. domestic oil industry from a world-wide rise in oil prices would not outweigh the detrimental effect of an overall price increase resulting from higher energy costs in Europe and Japan.

Another consideration of friendly or allied countries' interests was the early fear which several Washington sources confirmed of a domino effect into Saudi Arabia. Immediate assurances to and cooperation with the Saudis were meant to intimidate Saddam and to prevent him from continuing his movement south. Despite later assessments which identified the annexation of Kuwait—Iraq's "long-lost province"—as Saddam's primary war aim, at the time of the invasion there was physically little to prevent Iraqi troops from rolling into Saudi Arabia. The Saudis' vulnerability manifested the degree to which the Iraqi threat affected the stability of the entire region, again

appealing to the core principles outlined in the U.N. Charter concerning "international peace and security, . . . threats to the peace," and "act[s] of aggression"; U.N. action was therefore further legitimated, even demanded.

SCUD missile attacks on Israel were an attempt on Iraq's part to draw Israel into the conflict, thereby disrupting the coalition which included many Arab and Muslim states. The U.S. had to placate Israel with assurances that the U.S. would handle the situation in a satisfactory manner—by the use of force. Israel had used force against Iraq before (an air strike on the Osirak nuclear research reactor in June 1981 [Ref. 38:p. 68]) and would no doubt do so again if the U.S. did not. The bare facts of the situation are clearly Realist, but the implications are entirely Rationalist. If Iraq succeeded in provoking Israel into a military reaction, the relatively solid Arab pillar of the coalition against Iraq would surely have splintered. Regional stability in general, and the security interests of not only Israel but also Saudi Arabia and others, would have been further jeopardized. U.S. and allied action to protect Israel and assuage Israeli concerns was therefore justified in view of the goals of the coalition's mandate and the spirit of the U.N. Charter.

Even Syria participated in the coalition, illustrating the degree of cooperation attained, although one might suspect purely Realist, or Machiavellian motives on Syria's part. Nonetheless, Bush received Syrian President Hafez al-Assad in Geneva, reinforcing Arab representation and unity in the coalition. The U.S. acceptance of Syria could be based, at least theoretically, upon U.N. principles of sovereign equality (Chapter I) and collective self-defense (Chapter VII).

3. Revolutionist Rationales

Revolutionist Theory, which assumes that the state is merely an arbitrary convention and not the principal actor in international politics, asserts the rights and interests of peoples over those of the state. In that regard an overriding purpose of war must be to improve a people's conditions if they are subjected to the whims of a malevolent power (internal or external). The lives of most of the inhabitants of the Middle East were adversely affected in some manner by Saddam Hussein. To improve their lot, the use of force against him ultimately became the only means which would prove useful and effective. Regarding *external* threats, just such action is specifically authorized in Chapter VII. *Internal* threats are not so clearly addressed; the domestic clause in Article 2(7) theoretically rules out intervention into domestic affairs "but this principle shall not prejudice the application of enforcement measures under Chapter VII." [Ref. 27:p. 65] That clause provides a basis for Claude's legitimation of intervention into the affairs of a state where a clearly accepted, legitimate government is lacking. Alternatively, one might read Chapter 39 very loosely as applying to a "breach of the peace, or act of aggression" which would be simultaneously an internal affair and a legitimate concern of outside states. This confusion is likely the source of Weston's concern over the scope of Resolution 678.

Does the Charter, then, condone an attack on the government of Iraq, or Saddam personally? The Iraqi people would be better off, in the view of the U.S. and other coalition partners, if Saddam were removed from power. Certainly some members of Iraqi society have benefitted under Saddam's régime, but others have not been so fortu-

nate. There have been gross violations of the rights of several sectors of the population, notably the Shi'ite Muslims in the south and the Kurdish villages in the north. The entire Iraqi population would be better off without Saddam whether they knew it or not, taking the argument to its extreme, because Saddam made Iraq a regional and global pariah and sanctions against it affected all its citizens.

Despite the compelling logic and apparent moral righteousness of an attempt to oust a ruthless dictator and aggressor, neither the Charter, nor the U.S. government, nor sources in Washington or New York would support such an attack on the sovereignty of a Member state. Saddam risked and lost a degree of Iraq's sovereignty by attacking a neighbor and then losing the subsequent war. To that extent, sources agree that seeking war retribution, continued sanctions, enforcement of two no-fly zones in Iraq, and compulsory submission to arms inspections are reasonable and legitimate infringements upon Iraq's sovereignty. But retribution, etc., are penalties only; nowhere does the Charter or any of its proponents support the deposition and replacement of a head of state. Furthermore, the U.N., being comprised of states, would not permit such a precedent, lest in future others suffer a similar fate.

C. LEGITIMACY OF U.N. ACTIONS IN SOMALIA

The Gulf War was not, except in a very limited sense, a prototype for post-1989, post-Cold War conflict. It was not an ideologically-based battle between Communism and Capitalism, but that is the extent of its similarity to other post-1989 crises. Its legitimacy depended ultimately upon Realist and Rationalist principles; Revolutionist elements played a lesser, yet still important, role.

In that regard it did set a precedent for humanitarian intervention in other "Third World" countries. Operation Provide Comfort in defense of the Kurds in northern Iraq set a precedent for Operation Restore Hope in Somalia and part of the legal rationale for 22,000 U.N. troops in the former Yugoslavia. Stedman's "New Interventionists" view Iraq as a precedent for peace enforcement, i.e., war, against Serbia (as well as Liberia and Sudan). [Ref. 3:p. 7] But the Charter does not clearly spell out authority for intervention into the internal affairs of a sovereign state (even an ersatz one) without some sort of invitation or request for assistance and, as Connaughton points out, if the invitation is from other than the government of a state, intervention based thereon is in violation of the principle of self-determination and of Article 2(4) [Ref. 27:p. 66-7]. Aside from the Articles which specifically address the UNSC's responsibilities for general and regional peace and stability, only Chapter IX pledges Members

> to take joint and separate action in co-operation with the Organization for the achievement of [higher standards of living, full employment, and conditions of economic and social progress and development,] the purposes set forth in Article 55. [Ref. 2:Art. 56]

But Chapter IX falls under the authority of the UNGA, therefore Security Council resolutions cannot be based upon Articles 55 and 56. UNSC resolutions must derive from Chapters V, VI, or VII.

Despite unclear authority, the U.S. (through the U.N.) set a most vivid example of the use of force for humanitarian aid in Somalia. Non-military U.N. activities involving famine relief and medical treatment were hampered by near-anarchic conditions wherein the Somali government had virtually no control over much of the country [Ref. 39: p. 713]. Graphic images in the global media helped to stimulate U.N.-authorized action,

led by the U.S. [Ref. 40:pp. 865-6]. This represented the first-ever U.N. intervention based solely on humanitarian concerns.

Realist concerns over the threat posed to Suez-bound shipping are slightly exaggerated and dated. Somalia (the "Horn of Africa") is strategically located, dominating southern access to the Red Sea and thence the Suez Canal but does not have the assets (only a half-dozen patrol boats, in very poor condition [Ref. 41:p. 635]) to threaten that access. Washington sources cite the Cold War competition as largely responsible for Somalia's current lawlessness, because it fueled arms buildups and propping up puppet régimes. But there is no longer any significant external support for the government; Somalia simply lost its significance (at least in East-West terms) after 1989.

Somalia attained its post-Cold War significance when television provided images of starving mothers, too weak to feed their children, as well-fed and well-armed mercenary henchmen drove by in the background. The failures of U.N. relief efforts, due to the henchmen's stealing and looting the relief supplies, led to demands for armed intervention to ensure delivery of the supplies to those most needy [Ref. 42]. UNSC Resolution 794 (3 December 1992) provided the authority President Bush sought with U.N. Secretary-General Boutros-Ghali's support: "*The Security Council, Acting* under Chapter VII . . . authorizes the Secretary-General and Member States . . . to use all necessary means to establish as soon an possible a secure environment for humanitarian relief operations in Somalia" [Ref. 43:p. 884]

The U.S. acted upon and achieved that goal rather handily. With a bevy of international media crews to greet them, U.S. Marine Corps Force Reconnaissance troops led the U.S. invasion on a Somali beach. Combined forces quickly established relative order throughout much of the populated sections of southern Somalia (with the requisite low cost in terms of *American* lives), enabling the humanitarian aid to go forth. [Ref. 44: p. 877]

While few would question the moral imperative of using force to help the needy if the means exist, the legal basis for the U.N. to do so is not entirely clear. Resolution 794 cites as its authority Chapter VII of the Charter, but nowhere in Chapter VII does the Charter mention or condone the use of force for the purpose of delivering humanitarian aid. Only by the Resolution's phrase "*Determining* that the magnitude of the human tragedy . . . constitutes a threat to international peace and security" does Chapter VII begin to address that specific issue. Connaughton states that

> [t]here are circumstances within the intervention scenario where [an] invitation may be absent, the UN acting in the interest of broader international security principles . . . . A multilateral military force deployed at the behest of the United Nations draws its international legality from the Charter . . . ., [Ref. 27:p. 60]

but he does not indicate which Chapter or Article provides that legality.

Furthermore, as Clausewitz taught, wars tend toward escalation. In the case of Somalia, humanitarian intervention escalated in ways unforeseen in Washington. Meeting the logistics requirements of a major deployment of military personnel, let alone providing for more expeditious delivery of relief supplies, required a great deal of work on Somalia's infrastructure (as described by an Army colonel who was directly involved). The harbor had to be cleared of wrecks and dredged for deep-draft U.S. ships, the docks

of Mogadishu had to be rebuilt, roads and bridges had to be repaired or built, and so on. Before long the U.S. was engaged in "nation-building", establishing not only political calm but also facilitating the economic recovery of the nation simply by making economic activity physically possible.

The Revolutionist goal of improving the lot of a population has been completed and the more Rationalist goal of establishing order (which was not part of the original mission [Ref. 44:p. 877]) is underway. The U.S. has turned over control of the operation to other U.N.-backed troops, but one must wonder why troops should still be there at all and what their mission is. Will the U.N. set up a new government? The U.N. has a long tradition of observing elections, but is Somalia even ready for that much self-determination?

D. POTENTIAL LEGITIMATION IN THE BALKANS CRISIS

Without clearly delineated vital national security interests in the south-central corner of Europe, the U.S. has been extremely hesitant to involve itself in almost any manner. French and British forces have carried out most of the U.N. humanitarian relief operations; Ukrainian, Russian, Spanish, and Italian troops have also provided capable assistance. U.S. involvement has been limited to the presence of an aircraft carrier battle group in the eastern Mediterranean Sea and to such activities as air-dropping relief supplies to stranded villages (with debatable success). [Ref. 45]

The primary antecedent concern for the U.S. to consider deeper involvement, according to Washington sources, is to specify missions and obtainable goals, and thus hopefully to avoid becoming mired in an endless police operation in a civil war without easy resolution. Elements of the entire American political spectrum have called for some

type of action to protect Muslims from Serbian aggression. "Action" usually refers to "surgical air strikes" against Serb artillery positions and supply routes [reminiscent of the Wild Weasel missions and bombing campaigns against the Ho Chi Minh Trail]. The general sentiment is, as with Somalia, that conscientious observers cannot stand by and watch.

Away from the opinion-editorial pages of the prominent newspapers, questions concerning the foreign policies of European nations remain unanswered. Western responses to Bosnian Serb activities in Bosnia-Herzegovina in 1992 were as confused as they had been when Serbs invaded Croatia in 1991; Lord Owen continued in "hopeless fashion" where Lord Carrington left off, displaying "goodwill without the will to power." [Ref. 7:p. 31] Stedman writes that, according to the interventionists, prompt diplomacy might have prevented war in the former Yugoslavia. Beginning with Germany's recognition of Slovenia and Croatia in December 1991, Europeans made a series of foreign policy blunders which either failed to help the situation or clearly exacerbated it. If the E.C. could not agree on an effective and consistent policy in the Balkans, how could one expect the U.N. to do any better? [Ref. 3:pp. 12-3] Joffe elaborates: after the U.S. and the E.C. recognized Bosnian independence on 7 April 1992, after they recalled ambassadors from Belgrade following the declaration of the new republic comprised of Serbia and Montenegro, after the CSCE barred the new Federal Republic of Yugoslavia from discussions, after the E.C. imposed its economic embargo against Yugoslavia on 27 May 1992, the Europeans summarily dumped the issue into the hands of the U.N., just as they had with Croatia the previous year [Ref. 7:pp. 31-2]. It seems as if U.N.

intervention is legitimated when the parties primarily concerned with an issue simply give up; one is tempted to interpret Article 52 in such a pessimistic light.

1. Rationalist Legitimation of U.N. Action in the Balkans

There are Rationalist objectives, dear to Western (specifically, NATO) allies, which affect the U.S. The restoration of order to the region is becoming increasingly important as refugees drift westward and southward, causing social tension and demanding ever-increasing attention and expenditures from governments in affected countries. Fighting has reemerged in its Croatian-*v.*-Bosnian Muslim manifestation, west of most of the Serbian activity, creating new refugees and evacuees from towns all across Bosnia-Herzegovina.

Elsewhere, the ancient rivalry between Greece and Turkey threatens to resurface as a result of the factionalization of the conflict. The warring elements fall into predominantly religious categories: Christian (Orthodox and Latin) and Muslim. Greece has not actively supported the non-Muslim factions but Turkey has expressed concern for the Muslims and would have to traverse Greek territory to provide aid (humanitarian or military). Furthermore, Serb action southward into Kosovo, if it occurs, has been declared an American (and therefore perhaps also NATO) *casus belli*, by President Bush and reaffirmed by President Clinton [Ref. 46]. If Western forces were to react to such aggression, operations would probably be partially based in Greece, a member of NATO.

But again, Rationalists are concerned with accommodation. Concerted U.N. action will rely on consensus in the Security Council; sources indicate Russia is still an unknown quantity as the internal power struggles there continue. Some pan-Slav elements

desire active support for their Yugoslav (literally, "south Slav") brethren, while more conciliatory-minded internationalist Russians seek to act in concert with other European powers to resolve crises affecting all of Europe. Furthermore, if President Clinton threatens or actually revokes China's Most Favored Nation (MFN) trading status, then the Security Council can no longer depend upon Chinese cooperation or abstention. As no concerted action can be deemed legitimate without a UNSC resolution, Russia and China must support, or at least not veto, a resolution since both are P-5 Members.

2. Revolutionist Legitimation

In any case, in the Balkans crisis the strongest sentiments remain those influenced by the horror of the atrocities occurring before the eyes of the rest of the world every day. Comparisons to the Holocaust come naturally when one hears of appeasement, death-camps, rape-camps, ethnic cleansing, and the like. Television images of wounded children, shell-shocked and bloodied, being lifted out of trucks and taken to ramshackle, bomb-damaged hospitals for further transfer to better facilities in the West amplify awareness of the growing refugee problem created by Serbian (et al.) "ethnic cleansing" of enclaves overrun in the pursuit of nationalist aggrandizement. Since the breakup of the former Yugoslavia against their wills, the Serb-dominated ruling élites see Greater Serbia as the next best alternative [Ref. 7:pp. 30-1]; for them the phrase "all means necessary" has its own implications. The results bring graphic images into American households on a daily basis.

Such comparisons have sparked a reaction comparable to that which resulted in the Nuremburg Trials. A source in New York identifies the redress of massive human

rights abuses as one of the main trends of U.N. and international law development since World War II. A recent U.N. press release supports this idea, stating that the UNSC "reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community." [Ref. 47]

Revolutionist objectives have therefore, not surprisingly, moved to the forefront of the debate. Initially, simply stopping the horror would satisfy most as a worthy goal. But once the fighting is stopped (if that is even possible), extracting U.N. troops without an instantaneous renewal of the conflict will no doubt prove problematical.

Attaining Revolutionist goals—personal freedom, national self-determination, etc.—would require huge deployments of military forces on a long-term basis. Sorting out which groups would live in which regions would involve massive relocation and could take years, even decades, and still not satisfy even a simple majority of the inhabitants. Setting up some sort of government which would meet the needs of the various peoples (perhaps on the Swiss canton model) would demand political and civic education for, and the support of, millions of people. That assumes that they could *ever* live under one government, be it federal, confederal, or anything else short of a Tito-like dictatorship (which was, one must remember, dominated by Serbs [Ref. 7:p. 30]). What, then, might U.N. forces accomplish by intervention, beyond merely stopping the shooting, burning, and raping—if even that much is possible?

Stedman writes that peace enforcement in civil wars requires clear, compelling reasons of international security, and that humanitarian concerns are insufficient to justify, rationalize, *or* legitimate intervention [viz., Iraq]. Good and bad, civilian and military,

enemy and ally are difficult to distinguish in a civil war. U.N. peace enforcement in the region should therefore be limited to preventing the spread of violence, i.e., protecting Kosovo and Macedonia; resolving the civil war in Bosnia-Herzegovina should be an internal affair and *not* a mission to which U.N. troops should be deployed [Ref. 3: p. 14-5].

3. NATO Involvement and Potential Role Definition

The UNSC has resolved to authorize "all means necessary" for the delivery of relief supplies to Sarajevo, but further delineation of or authorization for military involvement of blue-helmet troops already on the ground has not been forthcoming [Ref. 7:pp. 32-3]. If Western states do decide to pursue U.N. authorization to undertake additional military action,* it will most likely involve NATO's command structure and forces. Hoagland writes that this may provide NATO with a much-sought-after role in the post-Cold War world; operating jointly with Russia, NATO could pursue heretofore inconceivable goals, "containing the world's most dangerous civil wars and ethnic conflicts, instead of continuing to fight the Cold War" [Ref. 48]. Bonnart suggests linking forces from the North Atlantic Cooperation Council (NACC) with NATO troops, all under a U.N. command *modeled* on the well-defined and time-tested NATO system, using NATO staff and other resources [Ref. 49]. As if on cue, NATO Secretary General Manfred Wörner said that NATO and the U.N. should work more closely, that NATO has unique

Resolution 771 (13 August 1992) contains an interesting clause: "[The Security Council] calls upon* all parties to do all in their power to facilitate" the "immediate, unimpeded and continued access to camps, prisons and detention centres within the territory of the former Yugoslavia;" therefore Resolution 771 could possibly be deemed to authorize use of force beyond that authorized in Resolution 770.

command and control capabilities which could be used for U.N. or CSCE peacekeeping and peacemaking, and that NATO was "reassessing the political scope of the Alliance to enable these capabilities to be used for the purpose of *collective security*" [emphasis added] [Ref. 50:p. 1]

Acting as a Chapter VIII regional organization, NATO might extend its life-expectancy indefinitely as a viable tool of post-Cold War international politics, in spite of calls (in the U.S. and in Europe) for its demise. Many consider it an unnecessary dinosaur of an age gone by—but its usefulness was never limited to purely collective defense [Ref. 51]. Under U.N. auspices, it might attain renewed legitimacy as a means to provide the U.N. with the *ad hoc* military arm it never had but has demonstrably needed. Connaughton suggests the possibility of a "grouping of independent NATO member states" operating wherever their interests coincide with U.N. requirements, rather than a bona fide NATO force which would be limited geographically by NATO's treaty [Ref. 27:p. 110].

Before such a role is deemed legitimate, however, one ought to ponder the words of George Kennan:

> [S]ince the belief that one country can do much good for another country by intervening forcefully in the latter's internal affairs is almost invariably an illusion in the first place, the entertainment of such dreams is usually no more than another example of the proverbial road to hell, paved with good intentions. [Ref. 52:p. 146]

Allowing for the cynicism of an old man (who has identified the Balkans crisis as the worst international debacle he has seen in his lifetime), one is still given pause when considering the responsibilities and ramifications implicit in a world police force, however it is constituted. As a New York interviewee warned, drastic failure of international

peace-keeping (or peace-enforcing) efforts may permanently ruin the credibility of the U.N., NATO, or any other organization which attempts them, regardless of their legitimacy.

Analyses which see in the end of the Cold War the resolution of great contests of historic forces betray an inexcusably narrow vision of history. To suppose for an instant that all of mankind's trials are over, owing to the demise of a specific social experiment (the U.S.S.R., 1917-1991) is to fall victim to temporal chauvinism, and to attribute to that experiment more credence than, in hindsight, it is due. That it survived until 1991 is somewhat surprising, given what is now known of the failures of command economy theory and practice. When those failures proved too great, the Soviet system finally collapsed.

In 1989, generations of world leaders, steeped in bipolar diplomacy (superficially modified into various *n*-polarity iterations), all of a sudden found themselves on unfamiliar ground. Bismarck would probably feel more at home in the post-Cold War diplomatic world than do survivors of the Cold War. Even President Clinton is affected, since his political experience is largely defined by opposition to the generation which preceded his.

The use of force under these new circumstances is simultaneously simpler than during the Cold War and infinitely more complex. Without the East-West confrontation and the ever-present threat of global nuclear war behind any conflict in which the interests of the two sides clashed, one side (or both, in concert) can now project power without the other perceiving a zero-sum threat to its own interests. Furthermore, smaller countries can no longer play one power off the other in an effort to increase their own

regional significance. On the other hand, the lesser powers of the world cannot but feel their own interests, even their sovereignty, threatened by the unilateral actions of a superpower.

The U.S., therefore, must pursue its interests within the context of an accepted international organization if it is to avoid the "imperialist" label. Even with America's substantial influence in the UNSC, the legitimacy imparted by the U.N. can be neither disregarded nor taken for granted. If the U.S. does seek to pursue its interests within the U.N. context, it must support the U.N. and abide by its tenets and principles. Without the complete moral support of its most powerful Member, the U.N. will not long be able to impart the requisite legitimacy without which (ironically) the only superpower cannot effectually lead international interventions.

IV. LEGITIMATION IN THE AMERICAN POLITICAL SYSTEM

Democracies go to war in anger. This demands that the U.S. government carefully blend Realist and Rationalist requirements of state with popular and traditional Revolutionist sentiments. President Bush, in an address to the nation on 16 January 1991, cited not only diplomatic and materiel support from coalition partners (and international organizations) and UNSC authorization, but also a long list of atrocities and breaches of international law to justify commencing Operation Desert Storm [Ref. 53:pp. 50-1].

In situations where there is a clear, immediate threat to the U.S. (i.e., a Pearl Harbor, the threat of world Communism), Realist and Rationalist imperatives often suffice. If the threat is not so clear, such as with the loss of access to important economic resources, other arguments are often required to inspire public support for the use of force. Our political system does not facilitate the government's task in generating support for using force. The American form of representative government involves, by necessity and by design, compromise and consent—the Madisonian Model. Bush's U.N. support mattered little to some Members of Congress; Senate Majority Leader George J. Mitchell (D-Mne.) made that clear when, in floor debate on 10 January 1991, he said that the "Constitution of the United States is not and cannot be subordinated to a U.N. Resolution." [Ref. 54: p. S101]

Leaders must listen to and consider thoughtfully the widely differing opinions of their constituents. Members of Congress do not take lightly the contemplation "of

possibly having to make a conscious decision to go to war or not to go to war, and then having to live with the consequences." [Ref. 55:p. 11] If popular sentiment is strongly against a given governmental policy, the policy must either be changed, abandoned, or carried out surreptitiously. But leaders must be wary of taking cues from public opinion. "The public may, after all, be wrong;" plebiscitary democracy is a contradiction in terms, and opinion polls should not be viewed as substitutes for the elected representatives' own independent judgement [Ref. 52:pp. 138-9].

In the brief two-century history of the U.S., the main elements of the debate over the use of force have usually taken the aspects of isolationism and internationalism, each side dominating in cycles. Having forsaken or sought escape from the political struggles of Europe, early American political leaders sought to avoid "entanglement" in the never-ending squabbles of the European powers lest the nascent Union be caught up in, and destroyed by, such conflicts [Ref. 56:pp. 65-6]. Only when the political and social developments of the mid- to late-nineteenth century (which began in the French Revolution) increasingly involved whole peoples in the political process, leading to wars of commensurately vast proportion, did the U.S. emerge from its (often interrupted) isolationism.

After the World Wars America dominated global affairs, leading a world-wide effort to prevent the spread of a hostile ideology. The process split the country into two groups, both with liberal ideals as their cynosure. On one side were the "Cold War" liberals, those who believed that the Soviet Communist threat must be fought tooth and nail on a global basis. On the other side were the "Wilsonian" liberals, those who believed in

self-determination and non-intervention, and denounced the support of authoritarian régimes (even if those régimes supported American policies). The end of the Cold War allowed the two groups to reunite on common ground; non-democratic régimes no longer had to be coddled to prevent the spread of communism, but could be abandoned or compelled to reform if their people did not support them. [Ref. 3:pp. 4-6]

The end of the bipolar contest between East and West inexorably brought to light all the regional and internal conflicts which were either overlooked, smothered, or begotten by the Cold War, keeping busy hordes of television crews which previously could not get access to these areas or were not interested in them. But the Cold War which caused or ignored crises elsewhere also had ramifications in the United States. The debate over federal spending is but one expression of the neo-isolationism which pervades much of the government, the media, and the public; many feel that the "peace dividend"—money previously spent on defense, now considered an exorbitant outlay—should be reappropriated for domestic spending. Others believe the money should simply not be spent at all, or if spent should remain in the defense budget, because America is now the only superpower in the world and has unique responsibilities which require a solid, sizable military force structure.

For some, these responsibilities include, *inter alia*, humanitarian obligations to peoples who still suffer under totalitarianism or privation. If concrete national security interests are also involved, so much the better; from their perspective, humanitarian interests simply delineate goals more clearly for hesitant parties. But security interests

are not a *sine qua non* for action; humanitarian need alone is sufficient for some to legitimate the use of force.

But the humanitarian cause is less stirring than Cold War anti-Communism. Bush and Members of Congress both realized that, no matter how well anyone elucidated war aims, if the employment of massive force did not result in quick and decisive victory, public support for war in the Gulf would not last long. [Ref. 57:p. 16] If interests and goals are less clearly articulated for a future conflict than they were in the Gulf War, public support (such as could be generated at all) would in all probability be even shorter-lived.

A. THE U.S. POLITICAL PROCESS

Policy debate in the United States is an inherent, necessary part of the political process. It ensures that the views of concerned citizens are heard and considered. It also ensures that the minority is not overrun by the majority; the majority prevails but the minority's interests and liberties must be protected. This is but one method by which the system decentralizes power by forcing potentially dominant groups to compromise with others. [Ref. 58]

Another method is the separation or sharing of powers by the various branches of the federal government. The Framers of the U.S. Constitution created the Executive and Legislative branches with the intention of having each check the other's powers, providing a balance between them by assigning specific roles and allowing each corrective actions against the other [Ref. 21]. For the most part the system works as intended, and the

checks and balances function adequately to protect the citizenry from governmental excesses or abuses of power.

But there has arisen an issue which is not clearly delineated in the Constitution: the vaguely defined authority to go to war. The President is identified as the Commander in Chief of the armed forces, and Congress is given the power to declare war [Ref. 21: Arts. 1(8), 2(2)]. But these two stipulations are only parts of the process by which a state might define security interests and act when they are threatened.

The debates among the Framers determined that the President could use force independent of Congress if the nation were in immediate peril, specifically if there were an invasion. A legislative body could not be expected to meet, debate, compromise, and finally reach consensus under such circumstances. But premeditated, offensive action against an enemy state should be preceded by congressional (thereby popular) consent, or else such use of force could become the tool of a power-seeking, self-aggrandizing executive. [Ref. 59:pp. 33-4] The issue has been debated since the early days of the nation; over 200 times, the President has used force without authorization from Congress. Only five wars involved declarations from the United States.

The debate took a new turn in the Vietnam conflict. After the Tonkin Resolution of 1964 gave the President a virtual *carte blanche* to act in Vietnam as he saw fit [Ref. 59:p. 33], escalation without apparent progress (not to speak of success) in resolving the conflict led to popular dissatisfaction. Subsequently Congress refused to support continued U.S. involvement. The resultant War Powers Resolution of 1973, passed over President Nixon's veto, tried to clarify the powers and responsibilities of each branch of

government regarding the ability to use military force. Nonetheless, the lawsuit which 54 Members of Congress brought against the Bush Administration never mentioned the War Powers Resolution. [Ref. 59:p. 35] The Resolution's *own* constitutionality (in question from its inception) has never been tested in the Supreme Court, because neither the executive nor the legislative branch is willing to risk its powers being ultimately reduced by a decision in favor of the other branch.

So each new military involvement follows the traditional pattern of debate. Congress frequently refers to the requirements of the War Powers Resolution, but will not force the issue. Presidents, while often resorting to the use of force, have been fairly circumspect in their interactions with Congress throughout the decision making process.

President Bush's decision to double troop levels in Saudi Arabia in November 1990 caused consternation in Congress because at that point the U.S. forces were no longer perceived as entirely defensive but could also present an offensive capability. Members expressed only slight concern about the policy itself; what they questioned was the constitutionality of Bush's decision. [Ref. 60:pp. 3879-82] Congress was placed in the position of having to support the President because the impression of a lack of public support would weaken America's hand in dealing with Saddam Hussein [Ref. 61:p. 4004].

Throughout the five-month period leading up to Operation Desert Storm, Congress demanded that Bush recognize its authority to declare war but it never moved toward declaring *or not declaring* war—it was unable to take a firm and formal stand either way until January 1991. Bush said that he wanted Congress "on board" but refused to concede any formal role for Congress in deciding whether to go to war. Democrats especially

seemed to be more concerned over the policy-making process than the policy itself. House Majority Leader Richard Gephardt (D.-Mo.) spoke of cutting off funds in an undeclared war; Rep. David R. Obey (D.-Wis.) raised the possibility of impeachment if the President continued to ignore Congress. [Ref. 62:pp. 7-10]

In hearings before the Senate Armed Services Committee, Sen. Edward Kennedy (D.-Mass.) asked then-Secretary of Defense Richard Cheney about the constitutionality of Bush's committing troops without approval from Congress. Cheney responded that Presidents have acted similarly over 200 times—that the President's hands are not tied. Given the Iraqi invasion of Kuwait, given Kuwait's and Saudi Arabia's requests for assistance, and given the U.N. Resolutions on the subject (Resolution 678 had already been passed), Cheney said that the President was within his authority to carry out his responsibilities. [Ref. 63:pp. 4114-5]

When Congress finally voted on 12 January 1991 to "use all necessary means" to force Iraq out of Kuwait, "'to use the United States Armed Forces' to enforce the ultimatum set by the U.N. Security Council," much of the debate betrayed a sense that Congress had acted too late to do anything but support the President [Ref. 27:p. 151]. Once the war began, Congress was reduced to the role of bystander, passing resolutions deploring Iraqi SCUD attacks on Israel and supporting Bush and the American troops [Ref. 64:p. 176].

B. LEGITIMACY OF VARIOUS RATIONALES IN THE U.S. SYSTEM

James Schlesinger warns that, with the dominant threat gone, the emerging but hitherto unnoticed or relatively insignificant "trouble spots" hamper the formulation of a

clear definition of America's permanent interests [Ref. 4:p. 28]. One is reminded of Palmerston's dictum, "We have no eternal allies and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow." The first two points have become manifestly clear to the U.S. since 1989; the problem now lies in identifying and agreeing upon U.S. interests in the new international context.

No longer locked in mortal combat with the U.S.S.R. for the hearts, minds, and resources of the "Third World," the U.S. finds itself in a situation altogether novel in its history: instead of being one of two world powers, the U.S. is now, incontestably, *the* superpower for the foreseeable future. In the security environment of the post-1989 era, the debate over the appropriate priorities for the political agenda has influenced views of acceptable uses of American military force.

For some this means that we have new and different responsibilities; for others this means that we no longer have much to fear and should therefore concern ourselves with, and devote our resources and attention mainly to, our domestic agenda. The latter school of thought precludes, implicitly, the use of force for many of the reasons once considered the normal and necessary business of state.

1. Rationales of Decreasing Legitimacy

Chief among these is the idea referred to as "mercantilism" in the eighteenth and nineteenth centuries, which gradually evolved into modern "imperialism" in the nineteenth and twentieth centuries. The pursuit of wealth and, since the Industrial Revolution, resources outside the boundaries of one's own country was once considered a primary

responsibility of the sovereign to the state. The sovereign measured success by the value and productivity of the state's holdings abroad. [Ref. 17:pp. 208ff.]

But modern ideas of democracy and self-determination augured the demise of the colonial system. New, mutually beneficial economic relations developed (still viewed as exploitational by many, particularly the allegedly exploited parties), but wars for control of regions and trade routes still occurred. After World War II these had an added dimension of bipolar competition, a sort of "ideological imperialism."

With bipolarity no longer the issue it was before 1989, control over countries, regions, and resources is no longer widely considered as vital as it previously was. Alternative energy sources, decreased reliance on heavy manufacturing, and environmental concerns have made demands for unrestricted access to other countries' material resources less critical and less politically and socially acceptable. Senate hearings preceding Operation Desert Storm cast the question in Clausewitzian terms of expenditure of effort and the value of the political object, with "effort" defined only as the number of American lives that might be lost [Ref. 65:pp. 4118-9]; the implication was that the U.S. goal of regional control was not worth the estimated cost. The demand of "No war for oil" has traditionally influenced American foreign policy in the Middle East, but found particularly ardent expression during the buildup to war in the Gulf. Indeed, the rise in world oil prices *helped* the U.S. domestic oil industry (which is not to say that it helped the whole U.S. economy); the U.S.-led embargo of the 4.3 million barrels per day from Iraqi and Kuwaiti oil fields drove prices up, and the fear of war kept them high [Ref. 66: p. 23]. But despite the demonstrable cause-and-effect links between the fear of war, a

rise in the price of oil, lower consumer confidence, economic slowdown, and inflation [Ref. 67:p. 18], Iraqi and Kuwaiti oil was not deemed sufficiently vital by some Members of Congress to justify risking American lives.

Another category of rationales which seems not to legitimate the use of force as it did in the past is that concerning vital national security interests. The notion might seem contradictory at first. But it is a problem of perception: portraying a dictator in a far-off land (about whom we may know more than we want to admit) as a threat to U.S. national interests is simply not as convincing as such arguments could be before 1989. Again, the threat of losing a country or a region to an enemy ideology is no longer deemed as valid a concern.

Some leaders (formerly irredeemable enemies of the West), no longer able to play the two superpowers off one another, have sought new relations with the U.S. But the spectacle of President Bush receiving Syrian President Hafez al-Assad (in Geneva, 23 November 1990) caused some alarm in Congress. *Realpolitik* motives are not generally persuasive on Capitol Hill; even Sen. Nancy Kassebaum (R.-Kan.) was anxious about the lengths to which the Administration went to maintain the unity of the coalition. [Ref. 68: p. 4009] In a press conference on 18 January 1991, Bush was asked if Saddam Hussein was a target in view of reports that presidential residences had been targeted and hit; he responded, "We're not targeting any individual." [Ref. 69:p. 56] Bush evidently felt that such a Machiavellian tactic would not be well received if articulated as an official war aim. An interviewee in Washington said that targeting a military leader—regardless of

his status as head of state—*is* a legitimate war aim, but not one which the public (and therefore, Congress) would clearly and unquestionably support.

Even an appeal to fears of nuclear proliferation did not generate unqualified support from Congress. When Bush raised the specter of an Iraqi nuclear weapons capability in less than 5 to 10 years (following a *New York Times*/CBS poll which showed that a majority of Americans considered "stopping Saddam's nuclear development" as the most acceptable reason to go to war in the Gulf), then-Sen. Al Gore (D.-Tenn.) proclaimed Bush's ploy "misleading." [Ref. 70:p. 4008]

Another foreign policy tool of the Cold War was the practice of setting up and maintaining "puppet" governments. These sometimes traditional, often authoritarian régimes would reciprocate by offering support for the U.S., facilitating the pursuit of the strategy for the containment of Communism. [Ref. 71:p. 341] The practice of interfering in the internal affairs of a country in this manner is now more widely viewed as unnecessary and unjustifiable. Perhaps Bush's support for the Kuwaiti Emir had the feel of Cold War diplomacy. Sen. Ernest F. Hollings (D.-S.C.) felt that the Kuwaiti leaders were not "worth the life of a G.I. . . . They haven't been our friend. They're certainly not a friend of democracy, freedom, or human rights." Sen. Bob Dole (R.-Kan.) added that restoring the Kuwaiti Emir to power is not "worth one American life" (though some lawmakers *did* support all the President's goals, but felt that he should articulate them better) [Ref. 72:pp. 8,9]. Rep. Marge Roukema (R-N.J.), while acknowledging that people wanted to support the President, said that Bush was not making his case very well for

restoring the Emir in Kuwait; she did not feel that such a goal was worth losing twenty, thirty, forty thousand lives [Ref. 56:p. 13].

The above issues reflect a common theme: many of the old, traditional rationales for the use of force no longer retain their former significance. Since the U.S. is the only remaining superpower, the argument goes, what justification remains for offensive capability at all? Who or what can threaten the U.S. to the point that it should even consider policies of intervention based on morally suspect premises of vital national security? The whole idea that there are threats "out there" which justify large forces no longer commands the unquestioned acceptance it had a mere three years ago.

The idea of the Gulf War as prototype for post-Cold War international conflict is somewhat inadequate. Its similarities to subsequent conflicts are few. Notwithstanding the moral outrage at the disregard for international law and insufferable human privation, the cases of Somalia and the former Yugoslavia have not merited the Realist justifications which, though not always popular, legitimated U.S. action against Iraq. Somalia was, in fact, the first instance of intervention in the post-Cold War era based purely on humanitarian reasons (facilitated by estimates of very low costs and rapid success). In the former Yugoslavia, three conditions are lacking: 1) clearly delineated national interests which would be served by intervention; 2) a reasonable chance of low-cost, fairly quick success; and 3) public support. In Iraq these conditions were all met. [Ref. 7:p. 33]

2. Rationalizations of Increasing Legitimacy

There are still, however, some circumstances which cause even the most liberal and isolationist elements of American politics to consider the use of force legitimate.

These involve neither power politics vis-à-vis other states (compelling weaker nations to act otherwise than they might if left alone) nor national aggrandizement at others' expense. Rather, they involve conflicts or crises (sometimes even acts of nature, as with the 1991 typhoon in Bangladesh) which present the U.S. with an opportunity to redress wrongs committed against entire populations or substantial numbers of people within a state. A given situation may involve Realist, Rationalist and Revolutionist considerations, but the Revolutionist themes are more likely to motivate those whom one might consider (and who might normally consider *themselves*) "doves."

In cases such as these, the U.S. government still must invoke the traditional Rationalist concern of restoring order and international law, rather than rely solely on the Revolutionist concerns for the welfare of a people, as the paramount reason to justify the use of force. Order and respect for law are prerequisite to any lasting resolution to a given conflict, and parties to the conflict would likely be more willing to agree to cease-fires, hostage exchanges, and negotiations about territory than they would be willing to give up power or to change their political systems fundamentally.

Hence, after assuring Saudi Arabia's immediate protection, Bush proceeded to build up a force with the intention of ejecting Iraqi forces from Kuwait [Ref. 63: p. 4114].* In early January 1991, when Members of Congress supported the thrust of U.S. policy in the Gulf (even concurred about the significance of the U.S. interests at stake), they generally still preferred to let sanctions work against Iraq [Ref. 57:p. 14].

*During these hearings, General Powell argued *against* relying solely on "surgical" air strikes to remove Iraqi forces from Kuwait, since the initiative would remain with the Iraqis whether to go or to stay.

President Bush nonetheless sought military action sooner rather than later. Then-Secretary of State James Baker cited UNSC Resolution 678 as Saddam's last chance "to come to his senses," and sought Congress's support behind the message of the international community to get Iraq out of Kuwait, to restore the legitimate government in Kuwait, and to obtain the release of foreign nationals held in Iraq [Ref. 73:p. 307]. When asked why President Bush could not explain why so many troops were in the Gulf region, Baker capped off a Realist/Rationalist litany of reasons with images of Saddam poisoning his own people. The U.S. ought, he argued, to provide leadership in the post-Cold War world because it can and should do so, in order to promote a more peaceful world [Ref. 65:p. 4117].

Evidently the appeal worked; even some Members of Congress began to exhibit "hawkish" tendencies. Sen. Paul Simon (D.-Ill.), upon returning from a trip to the Middle East, said, "If we can't get Saddam Hussein out of Kuwait in any other way, then force has to be used." [Ref. 74:p. 4202] Bush reported to Congress on 16 January 1991 that sanctions had failed to work and he was therefore employing force, casting his actions against the backdrop of the international community of the United Nations [Ref. 75:p. 50], with four objectives: to eject Iraq from Kuwait, to restore the legitimate government in Kuwait, to protect U.S. citizens abroad, and to restore security and stability to a region vital to the U.S. [Ref. 53:p. 51] "Security and stability," as Secretary Cheney described in hearings before the Senate Armed Services Committee, included geopolitical threats—the risk of Iraqi control of too much oil—but also addressed concerns for Saudi Arabia and Israel; action was necessary while the coalition was still strong [Ref. 63:pp. 4113-4].

Civil wars and other internal conflicts, however, do not submit to such simple resolution. Restoring order in such situations almost invariably requires intervention into the "internal affairs" of a foreign power. Claude identifies three main types of internal conflict: rebellion which does not intend secession; rebellion or revolution which does attempt secession; and revolution which does not occur (perhaps because the potential rebels are too heavily oppressed) *but should*, in the judgment of influential observers [Ref. 26]. The implicit assumption is that when the second type is in progress but failing, or when the third type exists, that a group's right to self-determination is being abridged; the situation requires outside assistance in order to obtain a just resolution. Intervention is therefore justified, even morally demanded.

This is where the Rationalist motives to interject law and order become Revolutionist goals of providing for the welfare of peoples too weak or oppressed to satisfy their own needs. "Making the world a better place" has a strong appeal to Americans who have traditionally sought to improve not only the standard of living but also the quality of life in the U.S.; now the opportunity has arisen to do the same thing on a world-wide basis without all the hindrances and baggage associated with Cold-War intervention such as perceived zero-sum competition or disruption of the nuclear balance of terror.

Therefore, when Europe could not unite to address the crisis in the former Yugoslavia, the U.S. in late 1992, seeking a UNSC resolution to use force to uphold a flight ban over Bosnia-Herzegovina. To emphasize the point, after Slobodan Milošević won an election in Serbia in late December, President Bush advised him in a letter that

if the Serbs carried the conflict into Kosovo, "the United States will be prepared to employ military force against the Serbians in Kosovo and Serbia proper." [Ref. 7: pp. 35-6] Secretary Cheney said that "[t]he preservation of Europe's human, political and economic resources is vital to U.S. security," and that the U.S. should stay deeply involved in Europe (through NATO) as the formerly Communist countries made their transitions to political freedom [Ref. 76:pp. 10-1].

3. Rationales of Uncertain Legitimacy

Nation-building, as distinguished from the old Cold War technique of "puppet-government" building, can be construed both as a Rationalist and as a Revolutionist legitimation for the use of force. The obvious example is in Somalia; rebuilding the infrastructure was not the goal outlined in the American policy statements at the outset, nor did UNSC Resolution 794 specify such action. Nonetheless, the deployment and logistic support of U.S. forces and the expeditious delivery of relief supplies to starving Somalis required dredging the harbor and repairing the docks of Mogadishu and repairing bridges and roads throughout Somalia.

Few would deny the benefits to Somalia of such action, despite its absence from public debate at the outset. Furthermore, U.S. forces are leaving Somalia, replaced by other countries' forces operating under the U.N. ægis. Problems arise, however, because such operations inevitably result in the loss of complete impartiality toward the internal political issues of Somalia. Certain factions are more cooperative with U.S. (and other foreign) forces, leading naturally to their favorable consideration. But they may or may not have any legitimate political standing in the country, and the forces in the field do not

have the experience, knowledge, intelligence, or political authority to treat with one side or another.

It seems that there are some missions which appear humanitarian, bear relatively high costs (financial, not human), yet yield insubstantial political returns. The potential for political liability is great; if the situation subsequently were to deteriorate, the effort would be deemed to have failed and to have been wasteful.

C. PROSPECTS FOR PRESIDENT CLINTON

President William J. Clinton campaigned in 1992 on a platform which made domestic issues a higher priority than foreign affairs and international relations. When he did venture to make a statement concerning the former Yugoslavia, he took a much more interventionist stance than did his opponent, George Bush.

He assumed authority over a military undergoing a radical transformation. Not just a scaling-down, the reductions underway represent far more than a mere decrease in numbers. There is a fundamental realignment of force structure underway, and a reassessment of appropriate roles and missions for every branch of service and most specialties within each branch.* The new military will be geared more toward regional contingencies, rather than global wars, emphasizing flexibility and the capability to respond to terrorism, peace-keeping requirements, and major conflicts such as the Gulf War. [Ref. 76:p. 9]

---

*As exemplified in the Department of the Navy document *From the Sea*.

Before the 1992 election—even after the election but before the January inauguration—Clinton could afford to be interventionist. It was generally popular and seemed, at the time, to be politically astute. Clinton indicated that he would not stand for ethnic cleansing and other atrocities. However, since his inauguration he has done little to improve the conditions of the Muslims or even to influence allies to take decisive action in Bosnia-Herzegovina. Various elements within his administration have called for U.S.-led or, if allies remain unwilling, independent U.S. intervention to establish order and protect the victims of nationalist and irredentist aggression. Stedman warns that Clinton ought to be judicious and selective in the conflicts he attempts to resolve, in view of a number of limitations:

- U.N. troops may have legitimacy, but they will never have the focused dedication of the warring parties;
- U.N.- or U.S.-led peace efforts cannot be enforced consistently in all cases;
- some internal wars are more threatening to international security than others, due to the potential for repercussions if the conflict spreads;
- the goal of an intervention must be clearly defined;
- some civil wars may have to run their course—in some cases, intervention may protract and extend anarchy and conflict;
- international intervention is neither a panacea nor a deterrent; and
- preventive diplomacy is more difficult in a situation involving an internal conflict. [Ref. 3:pp. 7-10]

Therefore Clinton's caution is well-founded; the crisis in south-central Europe has but one of the four prerequisites which the Gulf War had: moral outrage. There are no compelling vital national security interests at stake for the U.S.; there is no incontestable, reasonable chance for speedy success; finally, there still remains no clear popular support for heavy involvement in the Balkans. [Ref. 7:pp. 33-5]

Like all Presidents, Clinton must recognize the distinction between compelling instincts of moral certitude and the realistic limits of American power. If he decides to use military force, he must explain the connection between the intervention and its effects on, and significance for, America's own interests; he must also clarify the necessity to prevent a possibly longer and wider war that may involve NATO allies. The temptation to employ rhetoric that speaks of upholding the rights of peoples everywhere and of supporting the dictates of international morality will be strong for Clinton, since that is the traditional language of interventionist U.S. Presidents, but Clinton must avoid depending entirely upon such Revolutionist arguments. [Ref. 3:p. 15]

Like all Presidents, Clinton must also learn to reconcile his parochial concerns with those of the whole nation. Kennan writes of the "two voices of government;" the public interest on the one hand, and the survival of the régime in power on the other. *Both* are Realist concerns, in that the régime in question cannot ignore the views of the public, nor can it overlook immediate threats to its own safety and survival. However, the two may not always coincide. [Ref. 52:pp. 60-1] The current Administration must not mistake typical American post-war isolationist sentiments for a long-term willingness to surrender America's position of world leadership. Such a surrender would not be in America's long-term interests, nor would it be in the best interests of the political party in power which allowed it to happen.

Finally, President Clinton must realize that "gridlock" is *not* exclusively a product of divided government; Members of Congress have their own agendas and power concerns regardless of who is in the White House. He must accommodate Congress and

not take its support for granted if he wants to effect any sort of meaningful foreign policy. He should take the advice Rep. Spratt gave to President Bush in January 1991: "At the point at which he can carry the Congress by enough of a margin to have a strong endorsement, at that point he'll be able to carry the country too . . . . The Congress is the best barometer . . . of popular thinking regarding a war." [Ref. 77:p. 17]

V. CONCLUSION

The preceding chapters have attempted to illustrate a trend in the development of the rationales employed by Western governments and by the United States in particular to justify and legitimate the resort to war. As the concept of sovereignty has evolved from applying first to autocratic individuals, then to governments, and finally to peoples, so has war and the use of force evolved from meeting the needs of kings to meeting those of states, and ultimately, of citizens.

Is the evolution still in progress? Answering "yes" might imply a belief in supra-nationalism which is, at this point in time, unsupported. The United Nations is the only logical institution which could theoretically support such a notion, but that is neither the stated nor implied purpose of the U.N. The U.N., like any other international organization, cannot and will never be stronger than its Members allow it to be. As the only remaining superpower, the U.S. would have the most to lose and nothing to gain were the U.N. actually to become a world government.

A. THE EXPANDING SCOPE OF STATE POWER

Three hundred years ago, a monarch had at his disposal (legally, if rarely practically) whatever ways and means he deemed necessary to achieve his desired ends. Because *l'État, c'etait lui*, his concerns were paramount—the first order of the business of state. The use of force as an extension of politics by violent means was entirely natural;

everyone understood that the waging of war was a right of the monarch, and that war's valid purpose was to attain the monarch's aims.

With the Enlightenment came the idea of equality. The logical consequence of the concept of human equality was that no individual had a right to rule on a "divine" pretext. The absoluteness of the monarchy diminished to the point that the first concern of state (and therefore also of the monarch) became the state's welfare, and therefore indirectly that of its inhabitants (subjects). Even before—but especially after—the French Revolution, kings sought ever-expanding geographic boundaries, industrial resources, and diplomatic influence, perceiving national aggrandizement as essential to the retention and advancement of power both internally and externally. War eventually became more than just a means for a king to establish a dominant position over rivals or potential rivals; it had become a means to satiate the growing demands of subjects eager for continually expanding wealth.

Leaders of the new United States, themselves products and proponents of the Enlightenment, placed the concerns of the individual *above* those of the state; the *Federalist Papers* and the Constitution championed therein carefully delineated the limits beyond which the state could not go, to prevent it from infringing upon the rights of the individual. It took almost another century for the United States to work out the dichotomy between "freedom" and "liberty" as applied to the rights of the individual, the powers of the states, and the authority of the federal republic itself.

While the U.S. was struggling with its internal differences and solidifying the Union, the Concert of Europe had disintegrated and Europeans were discovering the potency of

nationalism and imperialism. Some writers of the Enlightenment told Modern Man that God was dead and replaced Him with a secular religion—the idea of a national identity based primarily on language, culture, and a perceived (but mostly mythological) purity of bloodlines [Ref. 78]. From roughly the mid-nineteenth century to the mid-twentieth, the pursuit of national aggrandizement animated the emerging nation-states of Europe, polarized the balance of power into two rigid and hostile camps, then produced the two largest and bloodiest wars the world has yet seen.

The destruction and bloodshed of those two wars, based as they were upon concepts of national identities and the subjugation or elimination of other peoples, produced world-wide revulsion against such use of force. Determined "to save succeeding generations from the scourge of war, which twice . . . has brought untold sorrow to mankind" [Ref. 2: p. 1], the United Nations denied the legitimacy of the use of force for the purpose of aggrandizement or any other type of aggressive war aim. The only use of force authorized in the Charter is for self-defense or for situations requiring specific, case-by-case authorization by the UNSC. Since the signing of the Charter in June 1945 nearly every nation on earth has joined; cynicism notwithstanding, the implication is that all Members endorse the "outlawing" of wars of aggression.

But rejection of the intolerable brutality of war on an unprecedented scale was not the only lesson learned from that era. The Hobbesian state of war* of the ensuing fifty

*"Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man. For WARRE, consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known: and therefore the notion of *Time*, is to be considered in the nature of

years would revolve around the constant threat of a destructive power too awesome for many at the time to contemplate [Ref. 80]. The U.N. Charter could take no account of the potential of atomic weapons because there was at the time no means to accommodate such power within the contemporary structure of debate on war and the application of force. Rather, the structure and scope of the U.N. addressed the causes and *tangible* consequences of the World Wars: the unlawful use of force by one people against another and the unacceptable ravages which such massive force produced. A New York interviewee outlined the development, since 1945, of the U.N. scope of responsibility and influence: large-scale human rights abuse (viz., those addressed at Nuremburg), individual human rights (as in the case of Andrei Sakharov), and, especially since 1991, the right to provide humanitarian aid.

The trend represents an ever-increasing encroachment on the sovereignty of the state, placing above it the sovereignty (rights) of peoples and *individuals*, just as before when the concerns of state (embodied in its citizens) preempted the personal rights of the monarchy. The Cold War kept most conflict constrained within the tightly-controlled bipolar framework. Conflicts which did occur between the two sides were wars of ideology, fought for peoples which were then to embrace either one side or the other; both sides held out the promise of a better way of life. Thus the Cold War blocked the intended work of the U.N.: to prevent and, where possible, to redress the wrongs

---

Warre; as it is in the nature of Weather. For as the nature of Foule weather, lyeth not in a showre or two of rain; but in an inclination thereto of many dayes together: So the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE." [Ref. 79:pp. 185-6]

committed against peoples or individuals by states. While the contest proceeded along the borders of containment, generally disrupting the lives and exacerbating the misery of the objects of the competing ideologies, Communist régimes also stifled the rights and freedoms of whole populations within their own borders, behind the "iron curtain." The final crumbling of the Communist system, beginning in 1989, laid bare the extent of the damage done to the societies, economies, and ecologies of the former communist countries and the "Third World."

B. NEW U.N. LEGITIMACY FOR THE USE OF FORCE

The end of Communism was not, as some have postulated, the end of history. Rather, it marked a return of history and allowed the resumption of historical trends which the Cold War interrupted. The threats of the Cold War—unifying and cohesive for both sides—evaporated, leaving behind various nation-states which then began to pursue their own unilateral interests unfettered by the bipolar constraints of the previous four and a half decades. All the countries which had perforce aligned with (or been coopted by) one of the two superpowers now had the opportunity to seek and attain the sovereignty and sovereign equality which previously only the great powers had but which the U.N. had promised to all. But that opportunity, under the banner of the principles of self-determination and human rights (two of the very elements which sparked the U.S. civil war), has ironically fueled the divisive tendencies now evident throughout much of the world. The U.N. must therefore learn to handle crises which do not fall into the conventional categories addressed specifically in its Charter. Rereading phrases in the Charter such as "threat to . . . [or] breach of the peace, or act of aggression" and

"maintain or restore international peace and security" in the light of the "New World Order" will allow the U.N. to respond to new types of crises, specifically those Claude has identified as revolution which does not occur *but should*, in the view of influential observers.

The U.N. therefore has an unprecedented opportunity to fulfil the promise of 1945: to prevent or censure aggressive war and to authorize collective reaction to such war when it does occur. Such a philosophy eschews the Realist, or Machiavellian, legitimation of the use of force which prevailed before the World Wars and, in the sense of Hobbes' "foule weather," throughout the Cold War. The point of departure for the U.N. Charter embodies the Rationalist tenets of international law and order, the rights of self-determination as regards states' sovereignty, and Revolutionist human rights of peoples within those states. When these tenets are abridged (as by an aggressive war which compromises the rights of a victim state or threatens the stability of a region, or by the repression of a people by its own government, or by the absence of a government to serve the needs of a people), the U.N. has not only a right but also an obligation to intervene.

In this sense, the Gulf War was not representative or prototypical of post-Cold War conflict. It had the elements discussed above, but there were still Realist motivations for the U.S. and most of the coalition powers. The U.N. Resolutions did not address the issue of guaranteed cheap oil for Western countries, nor the potential threat of Iraqi nuclear technology; rather, the concern was for the assault upon the sovereignty of Kuwait and the treatment of peoples within Iraq. Despite long-standing support for the U.N. and

its Resolutions, the U.S. might never have involved itself militarily were it not for the Realist considerations which made Saddam Hussein such a threat. A New York interviewee cited several instances of similar human rights abuses which elicited scarcely so much as an official condemnation from the U.S. government, viz., Tibet and Uganda. One difference was the absence of a threat to the national security of the United States or important allies; another was the preoccupation with higher priorities—the very real threats of the Cold War. The Gulf War is therefore unique in the post-Cold War era in that it manifested the Realist concerns of the coalition *and* the Rationalist/Revolutionist concerns of the newly-unfettered United Nations. Subsequent conflicts which the U.N. has taken in hand have not exhibited the combination of all three types of motivations for the use of force.

In the case of Somalia, the *casus belli* was the suffering and deprivation of millions of Somalis, and Boutros-Ghali supported the U.S. action despite its unclear legal basis in the Charter. The war aim was to provide for the delivery of humanitarian aid to starving people by restoring internal order only to the point that the cities and roads were safe enough for relief workers to carry out their tasks. Thence the mission blossomed into rebuilding the Somali infrastructure—ports, roads, bridges, etc.—but that was not the original goal. Rationalist concerns of bolstering the government, restoring political order in the region, and so on, played little or no part in planning the scope and course of U.S. action. Realist concerns were virtually nonexistent. The operation was indeed, as Stedman assessed, the first intervention based wholly on humanitarian concerns. The absence of vital security interests in the area marks the significant distinction between

Somalia and the Gulf War. Both cases adequately met all other political criteria: there was certainly moral outrage; there was a reasonable chance for low-cost success (particularly in Somalia); and there was general support from the public.

With the exception of moral outrage, the political criteria needed to support the use of force in the former Yugoslavia are not satisfied at all. Revolutionist legitimation for the use of force in the area is present in a manner similar to the case of Somalia, and the case for Rationalist legitimation is considerably *stronger* in the Balkans than in the Horn of Africa. There is widespread agreement in the U.N. and in the E.C. on the need to contain the conflict, expressed in such ideas as positioning troops in neighboring countries—a Rationalist legitimation of force to restore or maintain order in the region. The Revolutionist case is also stronger (in the view of Europeans, those of European descent, and any others old enough to remember World War II). The crisis offers images as vivid as those from Somalia but has the added dimension of recalling the worst atrocities of the very war which resulted in the creation of the United Nations. But despite the moral outrage there is no ready solution, diplomatic or military; intervention scenarios usually entail the deployment of huge numbers of troops with no reasonable chance of success, low-cost or otherwise,* but certain to generate high casualties. The result is low public support for the use of force despite the sentiment that the situation is horrible and that "something must be done."

---

*Defining success is an entirely separate question. One aspect of the debates in the U.N. and elsewhere is trying to decide what to do (no simple task when the distinction between "victim" and "aggressor" is unclear); without a goal or set of goals delineated there is no way to define "success."

U.N. inaction is another result. Moral demands notwithstanding, the UNSC is not yet prepared to intervene in what is still considered a civil war. Claude argues that the absence of government in Bosnia-Herzegovina is just as compelling a reason for intervention as it was in Somalia: where there is no internally acknowledged government to invite intercession, the UNSC is obligated to intervene on behalf of inhabitants who suffer unduly as a result of that absence [Ref. 26]. But that argument has not yielded any tangible, concerted effort on the part of the Europeans alone or together with other countries bilaterally, multilaterally, or collectively in the UNSC.

C. LEGITIMATION IN THE U.S. POLITICAL SYSTEM

The American people have generally sought to avoid war in the modern era until circumstances demanded action against a serious threat or a perceived injustice (moral outrage). If the threat is perceived to be grave enough, no other legitimation is usually required (though the threat itself might be framed in the guise of an injustice). If an injustice is deemed severe, that alone might also be sufficient, but only if success is virtually assured. Most often there has been a combination, both a threat and an injustice.

Unjust German actions (in America's view) disclosed undeniable threats, and thereby ensured American entry into the two World Wars. The containment of Communism—demonstrably a threat in Korea and then Indochina, not to mention central Europe—forced decades of armed truce, broken by intermittent open hostility. The last of these major conflicts, Vietnam, caused (or revealed) a fundamental split in America regarding the nature of the threat and the remedy for the injustice.

Now, of course, the Cold War is over. Without the old system of threats, some U.S. leaders are uncertain how to proceed in the "New World Order." The Constitutional checks and balances system has not disappeared; for many in Congress, the proper definition of war powers was the main issue for debate when Iraq invaded its neighbor. Although condemnation for Iraq was quick and widespread, Bush's unilateral decision to go on the offensive by doubling troop strength (in Saudi Arabia) in November 1990 caused great concern in Congress because its constitutionality seemed questionable to some. Until January 1991 Congress was unable to take a stand, but all the while demanded that the President acknowledge its right to do so. As a result of institutional inertia against taking early action, Congress had no option but to support the President when it finally did decide to act.

Congress's hesitancy was due in part to traditional post-war isolationist tendencies: America had just won the Cold War; and many felt entitled to enjoy the fruits of victory. Others, however, felt a heightened sense of responsibility as the world's only remaining superpower. This dichotomous confrontation in Washington represented an emerging friction about foreign and defense policy priorities: without a serious threat there could be no justification for a huge, offensive force structure, but the very absence of that threat presented an opportunity for the U.S. to realize long-cherished hopes of spreading democracy to every country and promoting self-determination wherever possible. Bush therefore acknowledged but downplayed viable Realist motivations for action in Iraq, and concentrated on the importance of establishing stability in the region, restoring the legitimate government in Kuwait, and aiding oppressed peoples in Iraq.

American post-war isolationism coincided with the emergence of the U.N. in its post-Cold War glory; the result was an affirmation of the rejection of Realist legitimation for any use of force. Therefore, when Iraq invaded Kuwait—an action as Realist, or Machiavellian, as the invasions of Ethiopia and the Sudetenland—the U.N., led by its most powerful Member, the U.S., refrained from casting its response in exclusively Realist terms, and emphasized the Rationalist and Revolutionist aspects of the response to the aggression.

The Realist issues were nonetheless essential to the decision to act militarily against Iraq. The only case in which the U.S. acted without such vital interests at stake was in Somalia. The preponderant combination of moral outrage, an apparent chance of success, and public support were sufficient to outweigh the lack of a security threat. Rapid presidential action preempted serious debate over war powers (the operation began without a long build-up and was planned to end within the time specified in the War Powers Resolution). But Somalia was an exception: near-risk-free humanitarian aid clearly does not represent the typical intervention scenario.

The former Yugoslavia seems to exemplify more accurately than the Gulf War or Somalia the nature of post-Cold War crisis. In this case, atavistic nationalism and, in a regional sense, imperialism have reawakened from the oppressive orderliness of the Cold War. In the U.S. the response has been predictable: outrage at the atrocities which all sides have apparently committed, public sentiment proclaiming that something ought to be done, but no consensus that a large American military force should be used (due to the lack of a clear and compelling threat to security interests *and* with the promise of a high

price in American lives should the U.S. attempt large-scale involvement). Insofar as a threat *can* be identified, i.e., the potential for a spillover effect within the region, President Bush and President Clinton have both officially expressed a willingness to use force. But in the current situation, with the conflict limited to the territory of the former Yugoslavia, the *potential* threat is not sufficient to rouse a stronger U.S. (or Western) response. The Clinton Administration's inaction in the crisis since taking office is actually entirely consistent with the policies of his predecessors. Had Clinton decided to intervene as he indicated he might during the 1992 campaign, he would have had as a criterion for such action only moral outrage. No President has ever tried to legitimate the use of force based solely upon that criterion. As Stedman warns, Clinton must make the distinction between acting on moral certitude and acting within the limits of American power. One must allow that the current policy reflects an appreciation of that distinction, and is not merely a result of indecision.

D. WHAT MAKES AMERICA GO TO WAR

The Framers embodied in the Constitution the idea that the U.S. would not go to war to serve the interests of its head of state, as was the case in European countries. The application of force could only be undertaken for the good of the whole republic; therefore only Congress, the elected representatives of the people, could decide to go to war (except in an emergency). The decision to go to war, then, would never be taken lightly but could only follow careful deliberations based on obvious concerns for U.S. national security, presented by persuasive leaders who could clearly delineate those concerns to a majority in Congress. It demands leadership capable of recognizing what

is important to legislators and therefore also to the public. The critical elements have almost always included a moral issue, a security threat, a reasonable chance of success, and public support. The first and last seem to be the only criteria which *must* be present, along with at least one of the other two. The second might be completely lacking if the argument is otherwise very strong, as in the case of Somalia. The third might initially subsist solely in the confidence and morale of the people, as after the attack on Pearl Harbor, when the U.S. Navy was but a fraction of the Japanese Imperial Navy in strength—here again, the other three criteria were quite sufficient.

The U.N., as a creation of the same philosophies which produced the Western democracies, outlaws aggressive war fought for the sake of aggrandizement. The U.N. Charter only allows war which is fought for the expressed purpose of curbing the aggressive tendencies of rogue states. The result is that when the UNSC becomes involved in a crisis it is because that crisis already contains: a moral issue, security concerns (about U.S. allies, a region, or perhaps the entire international community), some reasonable chance of success (the UNSC would not normally risk its credibility on an unsolvable issue), and the support of the P-5, the other Security Council Members, and often the General Assembly. Naturally, then, the issue is ready-made for U.S. support. The combination of Rationalist and Revolutionist concerns inherent in the U.S. process emerges also in the UNSC.

To say that the U.N. imparts an added legitimacy to the use of U.S. forces is correct in one sense—that of the strict observance of international law—but begs the question in another sense. The same motivations obtain in the U.S. as in the U.N. If the U.S. sought

but did not receive the support of the UNSC, it might still proceed if the necessary criteria are met domestically; such was the situation in Panama in 1989. Since the end of the Cold War, however, the interests and goals of the U.S. and the UNSC have largely coincided.*

There is an inherent congruence of principle between American political ideals and those outlined in the U.N. Charter which few question, though U.S. lawmakers sometimes fear that the executive will interpret a U.N. mandate as an obligation rather than as a request or an invitation. It is incumbent upon the executive to ensure that, when a U.N. mandate includes a call for U.S. action in support of a Revolutionist or Rationalist cause, all the criteria which have produced consensus in the United Nations Security Council will also apply domestically in the United States.

---

*Such coincidence may prove ephemeral, viz., many lesser-developed countries increasingly view U.N. human rights policies as too intrusive into their internal affairs, and will express their concerns at the upcoming conference in Vienna [Ref. 81]. More importantly, it is unclear how long Russia and China will choose to align their policies with those of the other three P-5 Members.

APPENDIX A

EXTRACTS FROM THE U.N. CHARTER

CHAPTER VII
ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 42

Should the Security Council consider that measures provided for in Article 41 [economic sanctions, severance of diplomatic relations] would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockades, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII
REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

. . . .

APPENDIX B

SELECTED UNSC RESOLUTIONS

Resolution 660 (2 Aug. 1990)

The Security Council,

Alarmed by the invasion of Kuwait on 2 August by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Article 39 and 40 of the Charter of the United Nations,

1. *Condemns* the Iraqi invasion of Kuwait;

2. *Demands* that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;

3. *Calls upon* Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the League of Arab States;

4. *Decides* to meet again as necessary to consider further steps to ensure compliance with the present resolution.

VOTE: 14 for, 0 against, 1 abstention (Yemen).

Resolution 661 (6 Aug. 1990)

The Security Council,

. . .

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

. . .

Affirming the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII or the Charter of the United Nations,

. . .

3. *Decides* that all States shall [observe economic sanctions against Iraq].

VOTE: 13 for, 0 against, 2 abstentions (Cuba and Yemen).

Resolution 678 (29 Nov. 1992)

The Security Council,

Recalling and reaffirming its resolutions [660, 661, 662, 664, 665, 666, 667, 669, 670, 674],

Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above subsequent relevant resolutions, in flagrant contempt of the Council,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

2. *Authorizes* Member States cooperating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement Security Council resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

3. *Requests* all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 of this resolution;

4. *Requests* the States concerned to keep the Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 of this resolution;

5. *Decides* to remain seized of the matter.

VOTE: 12 for, 2 against (Cuba and Yemen), 1 abstention (China).

Resolution 770 (13 Aug. 1992)

The Security Council,

. . .

Reaffirming the need to respect the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

Recognizing that the situation in Bosnia and Herzegovina constitutes a threat to international peace and security and that the provision of humanitarian assistance in Bosnia and Herzegovina is an important element in the Council's effort to restore international peace and security in the area,

. . .

Acting under Chapter VII of the Charter of the United Nations,

. . .

2. *Calls upon* States to take nationally or through regional agencies or arrangements all measure necessary to facilitate in coordination with the United Nations the

delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina;

. . . .

VOTE: 12 for, 0 against, 3 abstentions (China, India, Zimbabwe).

Resolution 771 (13 Aug. 1992)

The Security Council,

. . .

Expressing grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina including reports of mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centres, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property,

. . .

2. *Strongly condemns* any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing";

. . .

4. *Further demands* that relevant international humanitarian organizations, and in particular the international Committee of the Red Cross, be granted immediate, unimpeded and continued access to camps, prisons and detention centres within the territory of the former Yugoslavia and *calls upon* all parties to do all in their power to facilitate such access;

. . . .

VOTE: Unanimous (15-0).

Resolution 794 (3 Dec. 1992)

The Security Council,

Reaffirming its resolutions [733, 746, 751, 767, and 775, Jan.-Aug. 1992],

. . .

Determining that the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security,

. . .

Noting the offer by Member States aimed at establishing a secure environment for humanitarian relief operations in Somalia as soon as possible,

Determining further to restore peace, stability and law and order with a view to facilitating the process of a political settlement under the auspices of the United Nations,

aimed at national reconciliation in Somalia, and encouraging the Secretary-General and his Special Representative to continue and intensify their work at the national and regional levels to promote these objectives,

Recognizing that the people of Somalia bear ultimate responsibility for national reconciliation and the reconstruction of their own country,

. . .

8. *Welcomes* the offer by a Member State described in the Secretary-General's letter to the Council of 29 November 1992 (S/24868) concerning the establishment of an operation to create such a secure environment;

9. *Welcomes* also offers by other Member States to participate in that operation;

10. *Acting* under Chapter VII of the Charter of the United Nations, authorizes the Secretary-General and Member States cooperating to implement the offer referred to in paragraph 8 above to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia;

11. *Calls* on all Member States which are in a position to do so to provide military forces . . . in accordance with paragraph 10 above . . .;

. . .

VOTE: Unanimous (15-0).

LIST OF REFERENCES

1. U.S. Congress. House. 1992. Various Representatives speaking to the Committee of the Whole. H.R. 5006, First Amendment. 102d Cong., 2d sess. *Congressional Record* (3 June), vol. 138, no. 78, daily ed.

2. U.N. Department of Public Information. N.d. *Charter of the United Nations and Statute of the International Court of Justice*. New York: United Nations.

3. Stedman, Stephen John. 1993. The New Interventionists. *Foreign Affairs* 72 no. 1: 1-16.

4. Schlesinger, James. 1993. Quest for a Post-Cold War Foreign Policy. *Foreign Affairs* 72 no. 1: 17-28.

5. Associated Press. 1993. 26 Reported Killed as U.N. Troops Battle Somali Warlord's Fighters in Mogadishu. *New York Times*, 6 June.

6. Wight, Martin. 1977. *Systems of States*. Edited and with an Introduction by Hedley Bull. London: Leicester University Press in association with the London School of Economics and Political Science.

7. Joffe, Joseph. 1993. The New Europe: Yesterday's Ghosts. *Foreign Affairs* 72 no. 1: 29-43.

8. Wight, Martin. 1991. *International Theory: The Three Traditions*. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press.

9. Locke, John. 1924. *Of Civil Government* book II, 126. London: Dent & Sons. Quoted in Martin Wight. *International Theory: The Three Traditions*, 13-4. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press, 1991.

10. de Talleyrand, Charles. 1856. Quoted in Thomas Raikes. *A Portion of the Journal from 1831-1847* vol. 1, 106. London: Longman. Quoted in Martin Wight. *International Theory: The Three Traditions*, 136. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press, 1991.

11. Hegel, Friedrich. 1958. *Philosophy of Right* para. 324, 210. Translated by T.M. Knox. Oxford: Oxford University Press. Quoted in Martin Wight. *International Theory: The Three Traditions*, 209. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press, 1991.

12. Bulwer, H.S., ed. 1871. *The Life of Henry John Temple Viscount Palmerston* vol. II, appendix, 391. London: Richard Bentley. Quoted in Martin Wight. *International Theory: The Three Traditions*, 127. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press, 1991.

13. Grotius, Hugo. 1625. *The Law of War and Peace*, 71. Quoted in Martin Wight. *International Theory: The Three Traditions*, 219. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press, 1991.

14. Hastie, W. 1939. *Kant's Principles of Politics*, 136. London: Macmillan Co., Ltd. Quoted in Martin Wight. *International Theory: The Three Traditions*, 114-5. With an Introductory Essay by Hedley Bull. Edited by Gabriele Wight and Brian Porter. London: Leicester University Press, 1991.

15. Burckhardt, Jacob. 1979. *Reflections on History*. With an Introduction by Gottfried Dietze. Indianapolis: Liberty Press.

16. von Bülow, Bernard. 1908. Quoted in David Kaiser, *Politics and War: European Conflict from Philip II to Hitler*, 271. Cambridge: Harvard University Press, 1990.

17. Kaiser, David. 1990. *Politics and War: European Conflict from Philip II to Hitler*. Cambridge: Harvard University Press.

18. Rich, Norman. 1985. *Why the Crimean War? A Cautionary Tale*. Hanover, N.H.: The University Press of New England for Brown University.

19. Craig, Gordon A., and Alexander L. George. 1990. *Force and Statecraft: Diplomatic Problems of Our Time*. 2nd ed. New York: Oxford University Press, Inc.

20. Owen, Wilfred. 1914. Quoted in Benjamin Britten. *War Requiem*.

21. The Constitution of the United States.

22. Biskupic, Joan. 1991. Framers Were Wary of War Powers. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 34.

23. Weigley, Russell F. 1973. *The American Way of War: A History of United States Military Strategy and Policy*. New York: Macmillan Publishing Co., Inc.

24. Elving, Ronald D. 1991. America's Most Frequent Fight Has Been the Undeclared War. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 37-40.

25. Fisler Damroseh, Lori. 1991. Constitutional Control of Military Actions: A Comparative Dimension. *American Journal of International Law* 85 no. 1 (January): 92-104.

26. Claude, Inis. 1993. Presentation at a conference entitled U.S. Options for Participation in United Nations Military Operations. Hosted by the U.S. Naval War College, Newport R.I. (30 March).

27. Connaughton, Richard. 1992. *Military Intervention in the 1990s: A New Logic of War*. With a Foreword by Sir Harry Hinsley. London: Routledge.

28. Franck, Thomas M. 1991. Quoted in Burns H. Weston. Security Council Resolution 678 and Persian Gulf Decision Making: Precarious Legitimacy. *American Journal of International Law*, 516-35, 85 no. 3 (July 1991).

29. Almond, Gabriel A., and G. Bingham Powell Jr., eds. 1992. *Comparative Politics Today: A World View*. 5th ed. New York: HarperCollins Publishers.

30. Kirkpatrick, Jeane J. 1991. The Use of Force in the Law of Nations. Review of *On the Law of Nations*, by Daniel Patrick Moynihan. *World Affairs* 153 no. 3 (Winter): 102-12. Reprinted with permission from the *Yale Journal of International Law* 16 no. 2 (1991): 583-98.

31. Franck, Thomas M., and Fiaza Patel. 1991. UN Police Action in Lieu of War: 'The Old Order Changeth'. *American Journal of International Law* 85 no. 1 (January): 63-74.

32. Glennon, Michael J. 1991. The Constitution and Chapter VII of the United Nations Charter. *American Journal of International Law* 85 no. 1 (January): 74-88.

33. Boutros-Ghali, Boutros. 1992. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992. New York: United Nations.

34. U.S. Department of State. 1990. UN Security Council Resolutions on Iraq's Invasion of Kuwait. *US Department of State Dispatch* 1 no. 2 (10 September): 75-6.

35. Weston, Burns H. 1991. Security Council Resolution 678 and Persian Gulf Decision Making: Precarious Legitimacy. *American Journal of International Law* 85 no. 3 (July): 516-35.

36. Powell, Colin L. 1992. Armed Forces in a Changing World. *NATO's Sixteen Nations* 37 no. 6 (Special Issue): 17-22

37. Yett, Sheldon. 1991. Key Dates in the Gulf Crisis. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 41-4

38. Donnelly, Warren. 1981. Foreign Affairs and National Defense Division, Congressional Research Service, the Library of Congress. Report prepared 16 June 1981 for Congress. Senate. Committee on Foreign Relations. *The Israeli Air Strike: Hearing before the Committee on Foreign Relations.* 97th Cong., 1st Sess., 18, 19, 25 June.

39. U.S. Department of State. 1992. Somalia: US Relief Efforts. Statement of Herman J. Cohen, Assistant Secretary for African Affairs, before the Subcommittee on Africa of the House Foreign Affairs Committee, Washington, D.C., 16 September 1992. *US Department of State Dispatch* 3 no. 38 (21 September): 713-4.

40. U.S. Department of State. 1992. Humanitarian Mission to Somalia," President Bush's address to the nation, Washington, D.C., 4 December 1992. *US Department of State Dispatch* 3 no. 49 (7 December): 865-6.

41. Prézelin, Bernard, ed. 1993. *Combat Fleets of the World, 1993: Their Ships, Aircraft, and Armament.* 9th ed. English-language version prepared by A.D. Baker III. Annapolis, MD: Naval Institute Press.

42. Panel Members. 1993. Conference entitled U.S. Options for Participation in United Nations Military Operations. Hosted by the U.S. Naval War College, Newport R.I. (30 March).

43. U.S. Department of State. 1992. Resolution 794 (3 December 1992). Cited in *US Department of State Dispatch* 3 no. 50 (14 December): 883-4.

44. U.S. Department of State. 1992. Humanitarian Crisis in Somalia. Text of a letter from President Bush to the Speaker of the House and the President Pro Tempore of the Senate, Washington, D.C., 10 December 1992. *US Department of State Dispatch* 3 no. 50 (14 December): 877-8.

45. *New York Times.* 1992-1993. December-March.

46. Clinton, William J. 1993. Press conference (14 May). *CNN Headline News* (14 May).

47. United Nations Department of Public Information. 1993. Press release. Security Council Calls 'Unacceptable' Decision of Bosnian Serb Party Not to Permit Further Humanitarian Aid Delivery to Srebrenica. Security Council, 3192nd meeting, PM Summary, SC/5581 (3 April).

48. Hoagland, Jim. 1993. America Plus Russia Plus the NATO Allies. *International Herald Tribune* (1 March).

49. Bonnart, Frederick. 1993. A United Nations Command for a New Force. *International Herald Tribune* (4 March).

50. NATO press service. 1993. Press release (5 March).

51. Kennedy-Minott, Rodney. 1992. Lectures for *NS3765: Securing NATO's Flanks.* Monterey, Calif.: Naval Postgraduate School (January-March).

52. Kennan, George F. 1993. *Around the Cragged Hill: A Personal and Political Philosophy.* New York: W.W. Norton & Company.

53. Bush, George. 1991. Address to the Nation Announcing Allied Military Action in the Persian Gulf, 16 January 1991. *Weekly Compilation of Presidential Documents* 27 no. 3 (21 January): 50-2.

54. U.S. Congress. Senate. 1991. Senator Mitchell of Maine speaking on the Situation in the Middle East. 102d Cong., 1st sess. *Congressional Record* (10 January), vol. 137, no. 6.

55. Fessler, Pamela. 1991. Probing Conscience and Constituents. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 11-3.

56. Publius. [Alexander Hamilton]. 1961. The Federalist No. 7. *The Federalist Papers*, 60-6. With an Introduction by Clinton Rossiter. New York: The New American Library.

57. Idelson, Holly. 1991. National Opinion Ambivalent As Winds of War Stir Gulf. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 14-7.

58. Publius. [James Madison]. 1961. The Federalist No. 10. *The Federalist Papers*, 77-84. With an Introduction by Clinton Rossiter. New York: The New American Library.

59. Biskupic, Joan. 1991. Constitution's Conflicting Clauses Underscored by Iraq Crisis. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 33-6.

60. Doherty, Carroll J. 1990. Uncertain Congress Confronts President's Gulf Strategy. *Congressional Quarterly Weekly Review* 48 no. 46 (17 November): 3879-82.

61. Doherty, Carroll J. 1990. Public Debate on Persian Gulf Poses Challenge for Members. *Congressional Quarterly Weekly Review* 48 no. 48 (1 December): 4004-5.

62. Doherty, Carroll J. 1991. Congress Faces Grave Choices As C[illegible]k Ticks Toward War. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 7-10.

63. Reuters. 1990. Cheney and Powell Testify To Armed Services Panel. In *Congressional Quarterly Weekly Review* 48 no. 49 (8 December): 4113-5.

64. Doherty, Carroll J. 1991. Congress Applauds President From Sidelines of War. *Congressional Quarterly Weekly Review* 49 no. 3 (19 January): 176-80.

65. U.S. Department of State. 1990. Baker Says U.N. Resolution Is Saddam's Last Chance. *Congressional Quarterly Weekly Review* 48 no. 49 (8 December): 4116-9.

66. Kuntz, Phil. 1991. Unstable Mideast Oil Supply Rocks the World Market. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 21-5.

67. Cranford, John R. 1991. Hopes for Quick End to Recession Entangled in Persian Gulf Crisis. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 18-20.

68. Doherty, Carroll J. 1990. Choice of Partners Questioned In Courtship of Support. *Congressional Quarterly Weekly Review* 48 no. 48 (1 December): 4009.

69. Bush, George. 1991. President's News Conference on the Persian Gulf Conflict, 18 January 1991. *Weekly Compilation of Presidential Documents* 27 no. 3 (21 January): 55-9.

70. Fessler, Pamela. 1990. Bush Quiets His Critics on Hill By Sending Baker to Iraq. *Congressional Quarterly Weekly Review* 48 no. 48 (1 December): 4006-8.

71. Gaddis, John Lewis. 1982. *Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy.* New York: Oxford University Press.

72. Doherty, Carroll J. 1991. Senate Edges Into Gulf Debate. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 8. Congress Faces Grave Choices As Clock Ticks Toward War. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January): 7-10.

73. U.S. Department of State. 1990. America's Strategy in the Persian Gulf Crisis. Statement of Secretary Baker before the Senate Foreign Relations Committee, Washington, D.C., 5 December 1990. *United State Department of State Dispatch* 1 no. 15 (10 December): 307-9.

74. Liebert, Larry. 1990. Bush Faces War Standoff With Congress, Too. *Congressional Quarterly Weekly Review* 48 no. 51 (22 December): 4202.

75. Bush, George. 1991. Letter to Congressional Leaders Transmitting a Report Pursuant to the Resolution Authorizing the Use of Force Against Iraq, 16 January 1991. *Weekly Compilation of Presidential Documents* 27 no. 3 (21 January): 50.

76. Cheney, Richard. 1992. America's Defense in a Changing World. *NATO's Sixteen Nations* 37 no. 6 (Special Issue): 8-11.

77. Spratt, John M., Rep. of South Carolina. 1991. Quoted in Holly Idelson. National Opinion Ambivalent As Winds of War Stir Gulf. *Congressional Quarterly Weekly Review* 49 no. 1 (5 January 1991): 14-7.

78. Connor, Walker. 1993. Ethnicity in the Twentieth Century. Superintendent's Guest Lecture. Monterey, Calif.: Naval Postgraduate School (13 May).

79. Hobbes, Thomas. 1982. *Leviathan.* Edited and with an Introduction by C.B. MacPherson. New York: Penguin Books.

80. Teti, Frank M. 1992. Lectures for *NS3030: American National Security Interests.* Monterey, Calif.: Naval Postgraduate School (April-June).

81. *New York Times.* 1993. Editorial. (13 June).

BIBLIOGRAPHY

Adams, Henry. *The Education of Henry Adams.* New York: Vintage Books, 1990.

Hillgruber, Andreas. *Germany and the Two World Wars.* Translated by William C. Kirby. Cambridge: Harvard University Press, 1981.

Howard, Michael. *War and the Liberal Conscience.* New Brunswick, NJ: Rutgers University Press, 1978.

Hyde-Price, Adrian. *European Security beyond the Cold War: Four Scenarios for the Year 2010.* London: SAGE Publications Ltd for the Royal Institute of International Affairs, 1991.

Kennan, George F. *The Decline of Bismarck's European Order: Franco-Russian Relations, 1875-1890.* Princeton: Princeton University Press, 1979.

Lindsay, James M. *Congress and Nuclear Weapons.* Baltimore: The Johns Hopkins University Press, 1991.

Mann, Thomas E. *A Question of Balance: The President, The Congress, and Foreign Policy.* Washington, D.C.: The Brookings Institution, 1990.

von Clausewitz, Carl. *On War.* Edited with an Introduction by Anatol Rapoport. Harmondsworth, Middlesex, England: Penguin Books, Ltd, 1968.

Wight, Martin. *Power Politics.* 2d ed. Edited by Hedley Bull and Carsten Holbraad. London: Leicester University Press for the Royal Institute of International Affairs, 1986.

INITIAL DISTRIBUTION LIST

1.	Defense Technical Information Center Cameron Station Alexandria, Virginia 22304-6145	2
2.	Library, Code 52 Naval Postgraduate School Monterey, California 93943-5002	2
3.	Lt. Col. Jeffrey A. Larsen, USAF Director Institute for National Security Studies Directorate of Education (USAFA/DFE) U.S. Air Force Academy Colorado Springs, Colorado 80840	2
4.	Dr. Thomas C. Bruneau Department of National Security Affairs Code NS/BN Naval Postgraduate School Monterey, California 93943	1
5.	Dr. David S. Yost Department of National Security Affairs Code NS/YO Naval Postgraduate School Monterey, California 93943	2
6.	Dr. Donald Abenheim Department of National Security Affairs Code NS/AH Naval Postgraduate School Monterey, California 93943	1

7. Mrs. Gabriele Wight — 1
Harwarton
Speldhurst
Tunbridge Wells
Kent TN3 ONB
England

8. CAPT James D. Barton, USN — 1
DCNO Europe/NATO
The Pentagon, Rm. 4E483
Washington, D.C. 20301

9. Dr. Enid Schoettle — 1
Council on Foreign Relations
The Harold Pratt House
58 E. 68th Street
New York, New York 10021

10. Michael Altfeld — 1
Policy Advisor
Director of Strategy and Policy
The Pentagon, Rm. 4E575
Washington, D.C. 20301

11. Peter Petrihos — 1
Politico-Military Bureau
Department of State, Rm. 7315a
Washington, D.C. 20520